

**CHAPTER 8 — ADULT PAROLE OPERATIONS****ARTICLE 1 — RELEASE PROCEDURES AND CONDITIONS OF PAROLE***Revised February 24, 2017***81010.1 Policy**

Recidivism is the commission of a new criminal offense by an offender who has already been convicted of a crime. Parole is a critical period in the life of an offender. Through the application of controls and the provision of services, the parole agent helps to create favorable conditions for the offender's successful adjustment. Community protection and recidivism reduction are the paramount concerns and are effectively achieved if the offender makes a favorable transition to society. A parole agent has broad discretion over the life of an offender and in exercising that discretion, will act as a professional. During this period of supervision and observation, it is imperative that the parole agent be knowledgeable about the activities of the offender and the offender's significant others. The parole agent's principal duty is to uphold public safety by reducing the risk an offender poses to the community. The parole agent accomplishes this by directing the offender to services that meet the criminogenic needs of the offender, monitoring the offender to determine if they are involved in criminal activity or violations of their supervision conditions, and promptly addressing law and technical violations.

**81010.1.1 Purpose**

The purpose of this section is to enable proper placement of offenders in the community and proper application of conditions of parole. This will ensure public safety and rehabilitative needs are met.

**81010.2 Parole to County of Last Legal Residence**

All offenders shall be paroled to the County of Last Legal Residence (CLLR) unless the case complies with exception criteria. The CLLR is the county in which the offender was residing at the time of the commitment offense. Offenses that occur in custody, defined as being confined in State prison, local jail, or a State hospital for treatment shall not be considered in determining the CLLR. If the offender has been discharged from all previous terms, consideration shall be given to placement in another, more appropriate county in accordance with the factors listed in this section. An offender may be paroled to another county if it is in the best interest of the public and of the offender.

**Parole to Another County**

The following factors shall be considered in determining if parole to another county is justified:

- The need to protect the life or safety of a victim, the offender, a witness, or any other person.
- Public concern that would reduce the chance of the individual's parole being successfully completed.
- The verified existence of a work offer, or an educational or vocational training program in another county that encompasses the following:
  - Permanent employment that will enable the offender to be financially self-sufficient. (Minimum wage jobs, such as busboy or short-term jobs such as cannery worker, are not self-supporting or of sufficient duration to qualify.)
  - Training or educational program that is full time; will materially upgrade the offender's employment skills or educational level, and thus substantially improve employability; and will provide sufficient funds to preclude the offender from relying on welfare, CDCR cash assistance, or similar programs.
- The last legal residence of the offender having been in another county.
- The existence of immediate family in another county with whom the offender has maintained strong ties and whose support would increase the chance that parole would be successfully completed.
  - Immediate Family Members are defined in California Code of Regulations (CCR), Title 15, Section 3000 as the offender's legal spouse; registered domestic partner; natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the offender's

incarceration; step-parents or foster parents; grandparents; natural, step, or foster brothers or sisters; the offender's natural and adoptive children; grandchildren; and legal step-children of the offender. Aunts, uncles, and cousins are not considered immediate family members but may be considered on a case-by-case basis if strong family ties have been maintained and the biological relationship can be verified.

- The lack of necessary outpatient treatment programs for offenders receiving treatment pursuant to Penal Code (PC) 2960.
- Direct placement into a CDCR-funded, community-based residential treatment program located outside of the CLLR, including but not limited to:
  - Female Offender Treatment and Employment Program.
  - Residential Multi-Service Center.
  - Parolee Service Center.
  - Specialized Treatment for Optimized Programming.
- Pre-parole referrals for placement in another state or territory shall be made in accordance with Article 6 of Chapter 8 of this manual.
- Upon request of the victim and after approval by the Division of Adult Parole Operations (DAPO) District Administrator, a parolee whose commitment offense is any of the following shall not be allowed to reside within 35 miles of the current residence of the victim or witness of the commitment offense.
  - Murder or Voluntary Manslaughter.
  - Mayhem.
  - Rape as defined in PC 261(a)(2), PC 261(a)(6), PC 262(a)(1), or PC 262(a)(4).
  - Sodomy as defined in PC 286(c) or PC 286(d).
  - Lewd or Lascivious act as defined in PC 288(a) or PC 288(b).
  - Oral Copulation as defined in PC 288a(c) or PC 288a(d).
  - Continuous Sex Abuse of a Child as defined in PC 288.5.
  - Any felony punishable by death or imprisonment for life.
  - Any felony in which an enhancement for great bodily injury as defined in PC 12022.53, 12022.7, or 12022.9 has been proven.
  - Stalking as defined in PC 646.9.

**81010.2. Determination of County of Last Legal Residence**

The CLLR is the county of residence where the offender resided prior to incarceration for the most recent commitment offense. If an offender has multiple commitment offenses, the most recent offense shall determine the CLLR. The following criteria, listed in order of priority, shall be utilized to determine the CLLR:

- The last residence as recorded on the Probation Officer's Report for the current commitment.
- The last address as identified on the sentencing transcript for the current commitment.
- The last residence as recorded on the arrest report for the current commitment.
- The county of commitment.

If any of the above-listed reports show that the offender was transient or homeless, the offender shall be paroled to the county of commitment.

To be considered the last legal residence, the document used to verify the CLLR must have a complete street address, which includes a route or street number, route or street name, and city name. Post office boxes can be considered for rural areas if the parole unit responsible for that area confirms that only post office boxes are used. Incomplete addresses, ambiguous references to street intersections in lieu of a complete address, and addresses listed only by the name of a business shall not be considered for determining the CLLR.

**81010.3 Release on Parole Definitions**

Release on parole: The legal and physical transfer of an offender from confinement in an institution, reentry facility, or housed temporarily in a county or city jail, to the supervision of a parole agent of the CDCR, Division of Adult Parole Operations, to the supervision of DAPO on a date established by operation of law (PC 1170) or by BPH (PC 1168).

Release dates:

- Indeterminate Sentence Law (ISL) release date: The date on which an ISL offender may be released from confinement pursuant to the ISL.

- **Determinate Sentence Law (DSL) release date:** The date a DSL offender sentenced under PC 1170 is released to parole or discharged; also the date an offender sentenced prior to July 1, 1977, and recalculated by BPH under the provisions of PC 1170.2 is released to parole or discharged.
- **Life Inmate ISL release date:** An offender serving a sentence of life with the possibility of parole. The parole date is determined by BPH.

CDCR Form 611, Release Program Study: An informational document that specifies the offender's proposed case factors, residence, employment, institutional adjustment, supervision determination, reporting instructions, and medical disability.

County of commitment: the county where the crime for which the offender was committed occurred.

Inmates housed in Division of Juvenile Justice (DJJ) facilities ("M cases"): The Welfare and Institutions Code authorizes a superior court to order certain offenders (aged 18-21 years) committed to prison be housed and programmed in DJJ institutions.

#### **81010.4 Imminent Release Policy**

PC 3003 requires all cases be referred to the parole region of the offender's CLLR for reentry screening. The institutional case records staff of the institution where the offender is housed shall forward referrals to the Northern or Southern Regional Reentry Coordinator 210 days prior to the earliest possible release date (EPRD).

In those cases where recalculation of the EPRD indicates release on parole must occur in the immediate future, it is the institutional Classification & Parole Representative's (C&PR) responsibility to make immediate telephone contact with the appropriate parole unit to arrange release procedures.

##### **81010.4.1 Imminent Release Procedures**

#### **Institutional Classification & Parole Representative (Immediately upon Learning of Imminent Release)**

- Faxes the CDCR Form 611 to Northern or Southern Regional Re-Entry to determine the parole unit of assignment and advise the Region of the new release date.
- Faxes the CDCR Form 611 to the assigned parole unit for completion of the CDCR Form 611, Section VI, Parole Reporting Instructions and completion of Notice of Conditions (NOC), and Special Conditions of Parole (SCOP) (if applicable) in the Strategic Offender Management System (SOMS).

#### **Division of Adult Institutions – Institutional Case Records Notifications**

In addition to any local institutional procedures that have been established, Institutional Case Records staff will notify the parole agent or the officer of the day when changes occur in the offender's release during the 10-day audit process which begins ten days prior to release. Necessary information regarding the imminent change (e.g., dropped holds, change in pick-up, release date, etc.) shall be in the form of attached pages if needed. The information shall be entered into SOMS and faxed to the appropriate DAPO Regional Immigration and Customs Enforcement (ICE) Unit or parole unit.

In addition, when there is an imminent release date change and any of the following is applicable:

- The offender has a California Static Risk Assessment (CSRA) score of five.
- The offender is required to register as a sex offender pursuant to PC 290 through 290.024.
- United States Immigration and Customs Enforcement (USICE) has cancelled their hold/detainer and the offender is required to report to the secondary parole unit.

Case Records staff are directed to place a telephone call to the appropriate parole unit informing that unit of the change and confirming receipt of the fax. If the imminent change involves a Regional ICE Unit, Case Records staff will telephone that unit. As the Regional ICE Units are not staffed with an Officer of the Day, Case Records staff will provide notification to available staff, i.e. parole agents, parole service associates, etc. A voicemail message is not sufficient notification. Upon fax and/or telephonic notification that an ICE hold has been dropped, the assigned staff shall immediately

contact the assigned secondary parole unit via telephone and inform the unit supervisor or designee that the case shall be transferred. The Regional ICE unit supervisor shall initiate the transfer to the parole unit in SOMS. The parole unit supervisor will then accept the transfer in SOMS.

If release is imminent and it is not anticipated the CDCR Form 611 will arrive at the parole unit before the parolee is scheduled to report, supporting documents shall be faxed to the parole unit so that a complete parole plan can be developed.

#### **Parole Units**

Upon notification that a warrant/hold has been cancelled or a release date has been adjusted, parole unit support staff shall immediately ensure SOMS is updated with the appropriate information. Additionally, the unit supervisor or designee shall ensure the case is assigned to a parole agent, and update SOMS as needed for parole agent assignment. If the warrant/hold cancellation or release date adjustment requires specialized reporting instructions, the unit supervisor shall ensure that the instructions are transmitted to the releasing institution no later than the next working day. The reporting instructions shall be completed by the parole agent or officer of the day on the CDCR Form 1649, Reporting Instructions, and submitted to the parole desk at the releasing institution.

#### **81010.5 Release Program Study**

The parole agent shall investigate all proposed programs. If a proposed program is determined by a parole agent not to be suitable for a parolee, efforts shall be made by the parole agent to develop an appropriate alternate program in the CLLR.

DAPO staff shall return the completed CDCR Form 611, 60 days before the inmate's EPRD. However, if the CDCR Form 611, is not received by the parole unit at least 75 days before the EPRD, the preparole investigation shall be returned within 15 days of receipt.

##### **81010.5.1 Release Program Study Procedures**

#### **Northern or Southern Regional Re-Entry Coordinator**

- Reviews the case to determine compliance with CLLR law (PC 3003).
- Reviews the case to determine if there is a CDCR Form 1707, Request for Victim Services on file and if the case meets criteria for an administrative transfer.
- Sends the CDCR Form 611 to the appropriate parole unit.
- Notifies the sending institution's C&PR of the assigned parole unit.

#### **Unit Supervisor or Designee**

- Assigns the case to a parole agent.
- Initiates the "RPS Offender Investigation" in SOMS.

#### **Parole Agent**

Unless waived by the unit supervisor, the parole agent shall conduct a pre-release residence verification (home visit) after receiving the CDCR Form 611, other supporting documents, and initiation of the "RPS Offender Investigation" in SOMS. The pre-release residence verification should be scheduled in advance to ensure someone will be at the residence at the time the home visit is made. The pre-release residence verification shall be documented on the CDCR Form 1658, Parolee Residence/Employment Verification, and on the Record of Supervision. The parole agent shall, prior to release:

- **At least 30 days prior to release:** Complete Section I of the CDCR Form 2289, Notice and Request for Assistance During A Parole Proceeding. Verify any known disabilities requiring a reasonable accommodation to achieve effective communication via the Disability and Effective Communication System.
- **Released 30 days or less:** If the offender is scheduled to be released 30 days or less upon the receipt of the CDCR Form 611, residence verification is not required. However, it must be completed upon the offender's release.
- If pre-release residence verification is not conducted, the parole agent shall document on the Record of Supervision the reason it was not conducted.
- Ensure a Re-Entry Case Plan, Re-Entry Summary, and Re-Entry Assessment exist in the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) database. If the documents do not exist, the parole agent shall contact the Parole Planning and Placement Unit via electronic mail at [ParoleCOMPASReentry@cdcr.ca.gov](mailto:ParoleCOMPASReentry@cdcr.ca.gov).
- If the offender is a sex offender, ensure the Static-99R or Female Sex Offender Risk Assessment (FSORA) is in the COMPAS database. If the assessment is not completed, the parole agent shall contact the Parole Planning and Placement Unit via electronic mail at [Static99Request@cdcr.ca.gov](mailto:Static99Request@cdcr.ca.gov).

- Lifer pre-release residence verifications shall be conducted. The time frame of 30 days referenced above does **not** apply to lifer parolees as they will have a shorter time frame.
- Create the NOC and SCOP using SOMS, and indicate the reason for each SCOP in SOMS in accordance with section 81010.16.
- Submit the NOC and SCOP to the unit supervisor in SOMS for electronic signature.

#### **Unit Supervisor or Designee**

- Reviews preparole material and approves NOC and SCOP in SOMS, if appropriate, and signs the CDCR Form 611.
- Returns CDCR Form 611 to parole agent with instructions for additional investigation if required, and updates the "RPS Offender Investigation" in SOMS with the reason for additional investigation.

#### **Parole Unit Support Staff (60 Days Prior to EPRD or Within 15 Days of Receipt)**

- Forwards completed CDCR Form 611 to C&PR of institution where offender is housed.

#### **81010.6 Release Funds Policy**

Offenders are entitled to receive \$1.10 per day of incarceration upon their parole date, up to a maximum of \$200. The parole agent and the unit supervisor may determine the release fund amount the inmate shall receive upon release to parole, with the balance forwarded to the parole unit. These amounts shall be in the reporting instructions section of the CDCR Form 611. Release funds forwarded to the parole unit shall be given to the offender within 60 days of the day the offender reports to the parole unit, or within 60 days of the day the parole agent is notified by unit support staff that the release funds have been received by the parole unit.

Offenders who are paroled to a hold issued by another state or the federal government, including USICE detainees, are not entitled to release funds.

Offenders who are paroled to a hold issued by a local law enforcement agency in the State of California, or offenders who are paroled to a Department of State Hospitals (DSH) facility are entitled to release funds. The releasing Division of Adult Institutions facility will request the release funds and forward the funds to the local law enforcement agency holding the offender, or to the DSH facility for deposit into the patient's account. If an offender incarcerated for local charges is sentenced to CDCR for a new prison term, the offender is not entitled to release funds from the prior term.

#### **Release Funds Log**

A log shall be maintained by parole unit support staff documenting the name of the parole agent who was given the funds for distribution, the date they were given, the date they were delivered by the parole agent to the offender, or the disposition of the undelivered funds.

#### **81010.6.1 Ordering and Issuing Release Funds Procedures**

##### **Parole Agent**

- For offenders being released to the supervision of DAPO, specify the amount of money to be given to the offender at release and the amount to be forwarded to the parole unit on the CDCR Form 611.

##### **(Within 30 Days After Release)**

- Provides the balance of funds not given to the offender at the time of release, to the offender, if applicable.
- Returns all undelivered funds more than 30 days old from the date of issue, receipt or release; whichever comes later to CDCR Inmate Accounting.

#### **81010.6.2 Ordering Release Funds After Release Procedure**

##### **Parole Agent**

- When an offender is released from an institution to supervision by DAPO, or discharged from supervision without release funds, the parole agent shall calculate the amount owed to the offender and complete the CDCR Form 102, Release Statement, and give the form to parole unit support staff.

- After the parole unit receives the release funds, the parole agent shall instruct the offender to sign the CDCR Form 102 prior to being issued the funds.
- The staff issuing the funds shall sign the "Witness Signature" section of the form.

#### **Support Staff**

- Support staff shall scan the CDCR Form 102 and submit the form to CDCR Inmate Accounting by sending an electronic mail to paroleegatefunds@cdcr.ca.gov.
- Support staff shall return the CDCR Form 102 to the parole agent.
- When the parole unit receives the release funds, support staff shall notify the parole agent.
- After funds are issued to the offender, mail the CDCR Form 102 within seven working days to:

California Department of Corrections and Rehabilitation  
Accounting Services Branch-Bakersfield  
PO Box 12050  
Bakersfield, CA 93389

#### **81010.7 Verification of Employment Authorization Policy**

All persons, including offenders, must present potential employers with certain documents that prove their identity and right to work. It is illegal for employers to knowingly hire, recruit, or refer for a fee unauthorized aliens for employment. An unauthorized alien includes anyone who is not a U.S. citizen, is not a permanent resident alien, or is not authorized to work by the Immigration Reform and Control Act or the U.S. Attorney General. In order to be lawfully employed, all persons, including offenders, must prove their identity and right to work by presenting one of the following documents to prospective employers:

- Driver's license with individual's photograph.
- Identification card with individual's photograph.
- Social Security card which authorizes employment.
- U.S. birth certificate.

If the above-listed documents are unavailable, an individual may present one of the following:

- U.S. passport.
- Certificate of U.S. citizenship.
- Certificate of Naturalization.
- Unexpired, foreign passport authorizing employment.
- Resident alien card or other alien registration card with individual's photograph.
- Any other document(s) the U.S. Attorney General finds acceptable.

The verification of employment authorization shall occur within 24 hours of an individual's hiring, recruitment, or referral.

#### **81010.8 Length of Parole**

The length of the parole term shall be determined by Parole Case Records staff. The length of the parole term is based on the statutes defining the parole term for a particular offense at the time of the commitment offense.

The length of parole will be established within specified statutory maximums by the Board of Parole Hearings for offenders subject to PC 1168 and by CDCR for offenders subject to PC 1170. BPH will set the length of parole for offenders sentenced under PC 1168 at the Parole Consideration Hearing. The parole period specified by the BPH shall be on the NOC. The offender shall be given a copy of the NOC prior to release on parole.

#### **81010.8.1 Division of Juvenile Justice "M" Case Policy**

"M" cases are felon offenders age 16-21 years committed to prison but ordered housed in a DJJ facility. As felon commitments, DJJ "M" cases are subject to Title 15, Division 3 of the CCR, BPH rules and regulations, and all laws applicable to CDCR offenders. DJJ may transfer an "M" case to CDCR jurisdiction at any time it is determined that DJJ jurisdiction is no longer appropriate (usually on the basis of serious disciplinary or additional law violations). Jurisdiction automatically transfers to CDCR when an "M" case reaches age 25, if still under correctional supervision.

#### **81010.9 Effect of Revocation and Suspension on Parole Period**

Time during which parole is revoked extends the parole period automatically by the amount of days served in custody for the revocation. When parole is revoked, any time credited toward continuous parole is lost. Time on continuous parole begins again when the offender is released after serving the revocation period.

Time during which parole is suspended because the offender has absconded will not be credited toward the parole period. When parole is suspended, any time credited towards continuous parole is lost. The tolled time period begins on the day the warrant issued by the superior court, or, if the warrant is issued by BPH, on the suspension date ordered by BPH. Tolled time ends when the offender is arrested for the outstanding warrant.

#### **81010.9.1 Revocation and Suspension for Offenders Resentenced Pursuant to PC 1170.18(d)**

Offenders resentenced pursuant to PC 1170.18(d) shall only serve a maximum one-year parole term and shall be subject to tolling in the event of revocation or suspension of the parole term.

#### **81010.10 Transfer Investigation Request Policy**

An offender shall be paroled to CLLR. An offender may be paroled to another county, or an active parolee may be transferred to another county when this would be in the best interest of the public and parolee, in accordance with the criteria specified in section 81010.2. If a decision is made to allow parole to another county, the reasons shall be specified in SOMS and approved by the procedures established in this article. DAPO staff shall review the CDCR Form 611, Release Program Study, and information in SOMS to determine if a Transfer Investigation Request (TIR) has been requested and to verify that the proposed residence plans meet the criteria for a TIR specified in Section 81010.2. The TIR shall be processed using SOMS. Pre-Parole TIRs that are submitted for direct placement from an institution to a CDCR-funded residential treatment program shall be processed with automatic approval, regardless of whether or not the county is considered closed to transfers. DAPO staff assigned to arrange direct placements shall make every effort to place the offender in a CDCR-funded residential treatment program in the offender's CLLR prior to initiating a TIR.

In accordance with Penal Code 3003(i), if more than five percent of the total parolee population in a county do not have that county as their CLLR, the District Administrator may consider that county closed to transfers. Interstate Compact Offenders, as described in Article 6, and parolees originally sentenced to a life term and granted parole by the BPH, are not subject to closed county denials of transfer requests.

#### **81010.10.1 Active Offender Transfer Investigation Request Procedures**

DAPO staff shall receive and process offender requests to transfer to another county. Such requests must meet at least one of the criteria listed in 81010.2. If it is evident the transfer request does not clearly meet criteria, the parole agent may deny the request, document the request and reason for denial on a CDCR Form 1502, Activity Report, and submit to the unit supervisor. If an offender's request appears to meet the criteria, the following lines of responsibility shall apply.

##### **Sending Parole Unit, Parole Agent:**

- Conduct a case conference with the unit supervisor to determine if the request meets criteria to transfer to a county other than the CLLR. If the request is being made as an emergency due to an immediate educational or employment opportunity which cannot be duplicated in the CLLR, the unit supervisor may authorize a travel permit pending approval of the TIR.
- If the request does not meet criteria, deny the request, and document the reason for denial on a CDCR Form 1502, Activity Report, and submit it to the unit supervisor.
- If the request does meet criteria, initiate the TIR standard form in SOMS and cite the specific criteria for which the TIR is being submitted.
- Complete the appropriate sections of the TIR form, and cite the specific criteria for which the TIR is being submitted.
- Digitally sign the TIR form and electronically forward the TIR form to the unit supervisor.
- Upon notification of the District Administrator decision, inform the parolee of the status of the TIR and issue reporting instructions, if applicable.
- Print a copy of the TIR form and attach it to the outside front cover of the field file.

- Immediately forward the field file with all supporting documents, including the Record of Supervision, to the receiving unit.

##### **Sending Parole Unit, Unit Supervisor (or designee):**

- Review the TIR to verify the request meets criteria for transfer.
- Digitally sign the TIR form and electronically forward to the unit supervisor of the receiving parole unit.
- Update the TIR investigation status in SOMS to "Pending."
- Notify the parole agent of the District Administrator decision.
- If approved, complete the "Sending Unit" portion of the "Transfer" section of the TIR form and forward to the receiving unit, unit supervisor.

##### **Receiving Parole Unit, Unit Supervisor (or designee):**

- Review the TIR to verify the request meets criteria for transfer.
- Assign the TIR investigation to a parole agent in SOMS.
- Ensure the investigation is completed within 14 calendar days of receipt of the TIR.
- Upon the parole agent's completion, review the TIR and recommend approval or denial with appropriate comments.
- Digitally sign the TIR form and electronically forward to the receiving parole unit District Administrator.
- Close the TIR investigation in SOMS.
- Upon notification that the sending parole unit has initiated a transfer, complete the "Receiving Unit" portion of the "Transfer" section of the TIR form.
- After the parolee reports to the receiving unit, enter the "Transfer Between Units" Supervision Event and assign the parolee to a parole agent in SOMS.

##### **Receiving Parole Unit, Parole Agent**

- Conduct the TIR investigation by verifying that the request meets criteria for transfer.
- Upon completion of the investigation, indicate a recommendation of approval or denial with appropriate comments on the TIR form.
- Digitally sign the TIR form and electronically forward to the unit supervisor.
- Ensure that applicable victim, witness, and law enforcement notifications are made pursuant to PC 3058.6 and 3058.8.

##### **Receiving Parole Unit, District Administrator**

- Review the TIR to verify that the request meets the criteria for transfer.
- Make the decision to approve or deny the TIR, and record the decision on the TIR form with appropriate comments.
- Digitally sign the TIR form.

#### **81010.10.2 Pre-Parole Transfer Request Lines Of Responsibility**

##### **Correctional Counselor**

The Correctional Counselor (CC) shall review the proposed residence plans, including request for transfer to a county other than the CLLR, prior to an offender's release from prison. The CC shall:

- Update the "Correctional Counselor Input" section of the "Release Plan" screen in SOMS. When the offender is within 210 days (seven months) of release, complete the appropriate sections of the CDCR Form 611, including proposed Residence Plans.
- In the event the proposed residence is outside of the offender's CLLR, check the "Requests Out-of-County Parole/Release" box located in Section II of the CDCR Form 611.
- Forward the completed CDCR Form 611 to the Institutional Case Records office.
- Upon receipt of the pre-parole packet from DAPO, notify the offender of approval or denial of the TIR and issue reporting instructions.

##### **Institutional Case Records**

- Upon receipt of the CDCR Form 611 from the CC, prepare the pre-parole packet.
- Review the CDCR Form 611. If the "Requests Out-of-County Parole/Release" Box is not checked, forward the CDCR Form 611 and pre-parole packet to the appropriate Re-Entry Unit.
- If the "Requests Out-of-County Parole/Release" has been checked, forward the pre-parole packet to the DAPO Community Transition Program (CTP) unit within the institution and update the following on the SOMS Release Plan screen:

- Select the appropriate Parole Region for the “Parole/County Supervision Location” and enter the current date in “RPS Mailed Date.”
- Select “Sent to Parole/County” for the “Status” and enter the current date in the “As of Date.”
- Enter “RPS routed to CTP for TIR screening” in the “General Comments” section.

If CTP staff returns the pre-parole packet to Institutional Case Records, “Ineligible for placement in a CDCR funded residential treatment program” should be noted at the top of the CDCR Form 611. Institutional Case Records staff shall forward the CDCR Form 611 and pre-parole packet to the Re-Entry Unit, and update the following on the SOMS Release Plan screen:

- Confirm the appropriate Re-Entry Unit has been selected for the “Parole/County Supervision Location” and enter the current date in the “RPS Mailed Date.”
- Confirm the “Status” reflects “Sent to Parole/County” and enter the current date in the “As of Date.”
- Enter “RPS screened for CDCR-funded residential treatment program placement, determined ineligible, and returned to Institutional Case Records by CTP. CDCR Form 611 forwarded to Re-Entry (North or South).”
- Pursuant to PC 3058.6, notify local law enforcement agencies of the release of offenders convicted of violent offenses at least 45 days prior to the parole date, or as soon as practicable.
- Pursuant to PC 3058.8, notify victims and witnesses of approved transfer of pre-parole cases.

#### **81010.10.3 Direct Placement Transfer Investigation Request Procedures**

DAPO CTP staff will review the CDCR Form 611 and offender information in SOMS to determine if an offender meets criteria for placement in a CDCR-funded residential treatment program outside of the offender’s CLLR. If the offender does not meet criteria, CTP staff, normally a Parole Service Associate (PSA), shall write “Ineligible for placement in a CDCR-funded residential treatment program” on the top of the CDCR Form 611 and return the packet to Institutional Case Records.

If the offender does meet criteria for placement, the PSA shall:

- Interview the offender to confirm eligibility based upon the existence of an unsuitable residence plan and/or the existence of criminogenic needs that justify residential placement.
- Notify the CTP supervisor or designee, and request the CTP supervisor enter the “Intake New Case” Supervision Event and initiate an “RPS Offender Investigation” in SOMS.
  - Initiate a “TIR Offender Investigation” and create and complete the TIR form in SOMS, and designate the receiving unit. The receiving unit is the parole unit responsible for the geographic area where the residential treatment program is located. Cite the specific criteria for which the TIR is being submitted in the appropriate section of the form.
- Digitally sign the TIR form and forward to the CTP supervisor via SOMS.
- Complete the following fields of section VI of the CDCR Form 611:
  - “Assigned Parole Unit”
  - “Re-Entry Screener’s Name”
  - “Phone Number and Ext.”
  - “County of Residence”
  - “State”
- Upon approval of the receiving unit’s supervisor, forward the pre-parole packet to the receiving unit.
- Coordinate program placement with the receiving unit and the treatment provider. Normally, the treatment provider will provide transportation.

#### **The Community Transition Program Supervisor, or Designee, shall:**

- Enter the “Intake New Case” Supervision Event and initiate an “RPS Offender Investigation” in SOMS.
- Upon receipt of the TIR form in the “Forms Awaiting Review,” review the TIR to verify that the direct placement meets criteria, found in Section 81010.2, based upon participation in a CDCR-funded residential treatment program.
- Digitally sign the TIR form in SOMS and electronically forward the form to the unit supervisor of the receiving unit.
- Upon approval of the TIR by the receiving unit’s District Administrator, complete the “Sending Unit” portion of the “Transfer” section of the TIR form.
- Digitally sign the “Transfer” section of the TIR form and forward to the receiving unit’s supervisor.

#### **81010.10.4 Direct Placement Request After “RPS Offender Investigation” Initiated by Parole Unit**

In the event an offender requests placement in a CDCR-funded residential treatment program after the parole unit has initiated an “RPS Offender Investigation” in SOMS, the CTP supervisor shall:

- Ensure the parole unit is notified of the offender’s request for placement.
- Request that the parole unit supervisor cancel all assigned offender investigations and ensure that the CDCR Form 611 is forwarded to the parole unit responsible for the geographic area where the residential treatment program is located.
- Enter the “Transfer Between Units” Supervision Event in SOMS, to intake the case.
- Ensure the TIR is processed in accordance with 81010.11.2.

#### **81010.10.5 Direct Placement After “RPS Offender Investigation” Completed by Parole Unit**

In the event an inmate requests placement in a CDCR-funded residential treatment program after the parole unit has completed an “RPS Offender Investigation” in SOMS, the CTP supervisor shall:

- Ensure the parole unit is notified of the offender’s request.
- Enter the “Transfer Between Units” Supervision Event, to intake the case in SOMS.
- Ensure the TIR is processed in accordance with 81010.11.2

#### **The Receiving Parole Unit, Unit Supervisor shall:**

- Enter the “Transfer Between Units” Supervision Event, to intake the case in SOMS.
- Review the TIR to verify that the request meets criteria for transfer.
- Assign the TIR and “RPS Offender Investigation” to a parole agent.
- Ensure the TIR is completed within 14 calendar days of assignment.
- Digitally sign the TIR form after the parole agent completes the investigation and electronically forward the TIR form to the District Administrator.

#### **The Receiving Parole Unit, Parole Agent shall:**

- Conduct the investigation and verify that bed space is available for the offender.
- Review the TIR form to verify that the request meets the criteria for transfer.
- Enter a recommendation to approve or deny the TIR, with appropriate comments.
- Digitally sign the TIR form and electronically forward it to the receiving unit’s supervisor.
- Upon approval of the TIR by the District Administrator, complete section VI, “Reporting Instructions,” of the CDCR Form 611 and ensure the CDCR Form 611 is forwarded to the institution.

#### **The Receiving Parole Unit, District Administrator shall:**

- Review the TIR to verify that the request meets criteria for transfer.
- Record the approval or denial decision on the TIR form, with appropriate comments.
- Digitally sign the TIR form and electronically forward the TIR to the sending unit’s supervisor and receiving unit’s supervisor.

#### **81010.10.6 Transfer Within County of Last Legal Residence**

A TIR is not required when a case is transferred between parole units within the same county. If there are no known parole or law violations pending, transfers of

offenders between parole units to an approved program or residence will be by direct transfer. Transient offenders must remain in the new residence for at least 30 calendar days prior to transferring the case to the new unit. All case contacts must be current and a face-to-face contact must be completed at the new residence prior to transferring the case.

#### **81010.11 Parole of Offenders Sentenced Under Penal Code 1168**

The BPH establishes parole dates for cases sentenced under PC 1168. BPH can establish a fixed date or, if the offender has what appears to be a valid program, order a parole date advancement.

#### **81010.12 Direct Release to Parole From Court Policy**

*Revised December 10, 2018*

In any case that the amount of pre-imprisonment credit is equal to or exceeds the sentence imposed, the entire sentence is deemed to have been served and the defendant is not delivered to CDCR. Instead, the court will advise the defendant they must serve a parole term, and will order the defendant to report to a DAPO parole unit. Whenever the court sentences a defendant directly to parole supervision, DAPO shall supervise these parolees in the same manner as an inmate who was released from a CDCR facility.

Depending on the instructions given by the court, the offender may not initially report to the parole unit that will be responsible for supervising the offender. The court's reporting instructions may also vary from standard instructions given to inmates and may not comply with PC 3060.7 reporting requirements. The timeliness in which the courts will send sentencing documents to CDCR will vary.

If it is discovered an offender has failed to report to DAPO upon release from county jail, the unit supervisor shall assign the case to a parole agent to investigate the matter. It is the responsibility of DAPO, when appropriate, to request a warrant even if the case may be eligible for Post Release Community Supervision (PRCS).

Any offender released to parole supervision, regardless of any subsequent determination that the offender should have been released to PRCS, will remain subject to parole supervision after serving 60 days under DAPO's supervision pursuant to PC 3000.08(1).

#### **81010.12.1 Direct Release to Parole From Court Procedures**

##### **Officer of the Day**

- Request a picture form of identification from the offender.
- Obtain and review any legal documents the offender may have in their possession.
- Conduct an initial interview and document the interview on the CDCR Form 1650-B, (Parole Initial Interview) Initial/Comprehensive Interview. If the offender does not have any legal documents, interview the offender to determine the sentencing court, docket number, sentence details, and commitment offense information, if possible.
- Notify the unit supervisor of the direct release, and provide any known identifying and sentencing information.
- Search SOMS to determine if the offender is currently being supervised by DAPO.
- Upon identification of an active record:
  - Update Offender Demographics and Offender Photographs as needed.
  - Immediately notify the unit supervisor of the parole unit supervising the active record.
  - Obtain reporting instructions from that parole unit and instruct the offender accordingly.
  - The case shall be processed by the supervising parole unit as a Parole Violator With New Term.
- If the offender does not have an active record in SOMS, obtain a Criminal Identification and Information (CI&I) report if the CI&I number is known or can be obtained by querying the offender's identifying information in the California Law Enforcement Telecommunications System.
- Review prior conviction history to determine any registration requirements.

- Determine if there are any Americans with Disabilities Act accommodations or concerns and provide the offender with a CDCR Form 1824, Reasonable Modification or Accommodation Request, if needed.
- Complete the CDCR Form 2289, Notice and Request for Assistance During Parole Proceeding.
- Based on available information, generate a NOC, and a SCOP if appropriate, in SOMS, and review them with the offender.
- Provide the CI&I Report, CDCR Form 1650-B, Record of Supervision, and any other documents to the unit supervisor.

##### **Unit Supervisor**

- Review sentencing documents to determine if the offender will remain under the supervision of DAPO or be transferred to a county agency.
- Contact Parole Case Records to request an Offender Registration Search and to determine if any sentencing documents have been received.
- Scan the CI&I report and Minute Order (if available) and send via electronic mail to: DAPO-DirectReleaseDocuments@cdcr.ca.gov.
- PCR will generate the Personal Identification (PID) number in SOMS after the Offender Registration Search, if one does not already exist.
- Upon the creation of a new PID number or identification of an existing PID number in SOMS, enter the "Intake New Case" Supervision Event and assign a parole agent.
- In SOMS, review and electronically sign the NOC and SCOP created by the Officer of the Day.
- In SOMS, open the "RPS Offender Investigation" and assign the due date.
- In SOMS, electronically sign and close the "RPS Offender Investigation" upon completion by the parole agent.
- In SOMS, assign the Supervision Level.
- Sign the CDCR Form 611 upon receipt from the parole agent and ensure it is forwarded to Parole Case Records within one business day.
- Ensure all required court documents are obtained and mailed to PCR.

If the unit supervisor is notified by the Regional Re-Entry Unit of an offender who is to be supervised by DAPO, and it is determined that the offender failed to report, the unit supervisor shall instruct the parole agent to investigate the matter and request a warrant pursuant to current DAPO policy, if appropriate.

##### **Parole Agent**

- Contact PCR to determine if sentencing documents have been received.
- If documents have not been received, contact the sentencing court and request the following commitment offense documents:
  1. Certified copy of the Abstract of Judgement.
  2. Certified copy of the Minute Order.
  3. Felony Complaint/Information filed by the district attorney.
  4. Probation officer's report, if not waived by the defendant.
  5. Police reports, arrest reports, and any other pertinent information.
- Submit court documents to the unit supervisor or designee to determine if the offender is eligible for Post Release Community Supervision (PRCS).
- If the parolee was already serving a parole term, ensure the above documents are mailed to PCR.
- If the parolee was not already serving a parole term at the time of sentencing, fax the certified documents to PCR, then ensure the original certified documents are mailed to PCR.
- Obtain a deoxyribonucleic acid sample and a palm print impression, if not previously collected.
- Complete four Federal Bureau of Investigation Form FD-249, Arrest and Institution Fingerprint Cards. Forward three of the fingerprint cards to PCR and retain one card in the field file.
- Request a CSRA score by sending an electronic mail to: requestforcsra@cdcr.ca.gov.
- If the offender has a conviction for a crime requiring registration pursuant to PC 290 through 294, regardless of whether or not the offender is required to register, request a Static-99R or FSORA by sending an electronic mail to: static99request@cdcr.ca.gov.
- Complete the CDCR Form 611 and submit the form to the unit supervisor.
- Conduct a case conference with the unit supervisor or designee to determine supervision level and conditions of parole.

- Conduct a comprehensive interview within 15 business days and document the interview on the CDCR Form 1650-B.
- Update Offender Demographics and NOC and SCOP in SOMS.
- Supervise the offender in accordance with current DAPO policy.

**Parole Case Records Staff (On Day of Receipt of Abstract of Judgement or no Later Than Morning of Following Work Day)**

- Submits the CDCR Form 2218, Re-Entry Data Sheet, to Northern or Southern Regional Re-Entry Unit for parole unit assignment.
- Conducts the Offender Registration Search in SOMS and determines if there is a record in SOMS, and generates a CDC number if needed.
- Enters the following information in SOMS:
  - Abstract of Judgement.
  - Sentence Data Entry form.
  - Race.
  - CI & I report, if available.
  - Date of birth.
  - Parole unit assigned.
  - Parolee's county of residence (if other than county of commitment, approval if applicable).
  - Controlling discharge date.

**Regional Re-Entry Unit**

- Upon receipt of the CDCR Form 2218 from Parole Case Records, determine parole unit assignment.
- Forward the completed CDCR Form 2218 to Parole Case Records, and a copy to the parole unit.

**Parole Case Records Staff**

- Reviews and updates controlling discharge date, discharge review date, and any registration requirements shown in SOMS.
- Advises parole agent of court sentencing date (date case becomes active on parole), discharge date, discharge review date, and any registration requirements.

**Section 81010.12 Direct Release To Parole From Court Policy**

*Revised December 10, 2018*

In any case that the amount of pre-imprisonment credit is equal to or exceeds the sentence imposed, the entire sentence is deemed to have been served and the defendant is not delivered to CDCR. Instead, the court will advise the defendant they must serve a parole term, and will order the defendant to report to a DAPO parole unit. Whenever the court sentences a defendant directly to parole supervision, DAPO shall supervise these parolees in the same manner as an inmate who was released from a CDCR facility.

Depending on the instructions given by the court, the offender may not initially report to the parole unit that will be responsible for supervising the offender. The court's reporting instructions may also vary from standard instructions given to inmates and may not comply with PC 3060.7 reporting requirements. The timeliness in which the courts will send sentencing documents to CDCR will vary.

If it is discovered an offender has failed to report to DAPO upon release from county jail, the unit supervisor shall assign the case to a parole agent to investigate the matter. It is the responsibility of DAPO, when appropriate, to request a warrant even if the case may be eligible for Post Release Community Supervision (PRCS).

Any offender released to parole supervision, regardless of any subsequent determination that the offender should have been released to PRCS, will remain subject to parole supervision after serving 60 days under DAPO's supervision pursuant to PC 3000.08(l).

**81010.12.1 Direct Release to Parole From Court – Initial Procedures**

**Officer-of-the-Day**

- Request a picture form of identification from the offender.
- Obtain and review any legal documents the offender may have in their possession.
- Notify the unit supervisor of the direct release, and provide any known sentencing information and/or documents.

- Conduct an initial interview and document the interview on the CDCR Form 1650-B, Initial/Comprehensive Interview. If the offender does not have any legal documents, interview the offender to determine the sentencing court, docket number, sentence details, and commitment offense information.
- Search SOMS to determine if the offender is currently being supervised by DAPO.

**81010.12.2 Direct Release to Parole From Court – Parole Violator With New Term Procedures**

**Officer-of-the-Day**

- Follow procedures outlined in 81010.12.1.
- Upon identification of an active record:
  - Update Offender Demographics and Offender Photographs as needed.
  - Immediately notify the unit supervisor of the parole unit supervising the active record.
  - Obtain reporting instructions from the parole unit and instruct the offender accordingly.
  - Scan and email any legal commitment documents to Parole Case Records via DAPO-DirectReleaseDocuments@cdcr.ca.gov for the new commitment entry into SOMS.
  - The case shall be processed by the supervising parole unit as a Parole Violator With New Term (PVWNT).

If the parolee is already serving a parole term, the agent of record shall ensure the certified documents for the new commitment offense are mailed to Parole Case Records.

**81010.12.3 Direct Release to Parole From Court – New Offender Procedures**

**Officer-of-the-Day**

- Follow procedures outlined in 81010.12.1.
- If the offender does not have an active record in SOMS, obtain a Criminal Identification and Information (CI&I) report by the CI&I number if known, or by querying the offender's identifying information in the California Law Enforcement Telecommunications System.
- Review prior conviction history to determine any registration requirements.
- Obtain three photos via any state-issued recording device. Print the photos and place in the field file.
- Determine if there are any Americans with Disabilities Act accommodations or concerns and provide the offender with a CDCR Form 1824-B (09/18), Parolee Request for Accommodation, if needed.
- Complete the CDCR Form 2289, Notice and Request for Assistance During Parole Proceeding.
- Based on available information, generate a Notice and Conditions of Parole and a Special Conditions of Parole if appropriate and review them with the offender.
- Provide the CI&I Report and Minute Order, the CDCR Form 1650-B, and any other sentencing documents to the unit supervisor to obtain a CDCR number from Parole Case Records.

**Parole Agent**

- Shall obtain the following documents for submission to Parole Case Records via the unit supervisor:
  - Certified copy of the Abstract of Judgement.
  - Certified copy of the Minute Order.
  - Felony Complaint/Information filed by the district attorney.
  - Probation officer's report, if not waived by the defendant.
  - Police reports, arrest reports, and any other pertinent information.
- Conduct a case conference with the unit supervisor or assistant unit supervisor to determine supervision level and conditions of parole.
- Conduct a comprehensive interview within 15 business days of release and document the interview on CDCR Form 1650-B.
- Update Offender Demographics and Offender Photographs as needed.
- Submit the Notice and Conditions of Parole and Special Conditions of Parole to the unit supervisor in SOMS for electronic signature.
- Review CI&I report to determine if a deoxyribonucleic acid (buccal swab) sample has been collected. If not previously collected, obtain a buccal swab

sample, right thumb print, and full palm impression of each hand as required by PC 295, et seq.

- Upon receipt from Parole Case Records, complete four Federal Bureau of Investigation (FBI) Forms FD-249, Arrest and Institution Fingerprint Cards as required by PC 295, et seq. Forward three of the fingerprint cards to Parole Case Records and retain one card in the field file.
- Supervise the offender in accordance with current DAPO policy.

#### **Unit Supervisor or Assistant Unit Supervisor**

- If an offender does not have an active record in SOMS, scan the CI&I report and Minute Order (if available) and send the documents via electronic mail to Parole Case Records at: DAPO-DirectReleaseDocuments@cdcr.ca.gov.
- If the offender has a conviction for a crime requiring registration pursuant to PC 290 through 294, regardless of whether or not the offender is required to register, request a Static-99R or FSORA by sending an electronic mail request to: static99request@cdcr.ca.gov.
- Upon creation of a new Personal Identification (PID) number or discovery of an existing PID number in SOMS, assign a parole agent.
- Open the "RPS Offender Investigation" and assign the due date.
- Electronically sign and close the "RPS Offender Investigation."
- Assign the supervision level of the offender.
- Review and electronically sign the Notice and Conditions of Parole and Special Conditions of Parole created by the Officer-of-the-Day or parole agent.
- Ensure all required certified court documents have been collected and mailed to Parole Case Records for inclusion in the Electronic Records Management System (ERMS). Required documents submitted to Parole Case Records shall include at least one certified copy of either Abstract of Judgement, Minute Order, or the district attorney's felony complaint. Additional documents shall include the probation officer's report or police report.

#### **Parole Case Records Staff**

- Conducts the Offender Registration Search in SOMS to determine if there is an existing record. If no record exists, a PID and CDCR number shall be generated and forwarded to the unit supervisor via electronic mail within 48 hours.
- Enters the "Intake New Case" in supervision events in SOMS during the process of generating the new CDCR number.
- Submits the CDCR Form 2218, Reentry Data Sheet, to the appropriate Regional Reentry Unit for parole unit assignment.
- Enters commitments, legal mandates, and personal characteristics/demographics information into SOMS.
- For commitment offenses of PC 245(a)(4), PC 4501, and/or VC 23153, determines if the convictions meet the criteria of PC 1192.7(c).
- Completes any registration requirement forms mailed to the parole unit for parolee signature and thumb print. Forms are to be returned to Parole Case Records for distribution to ERMS and the Department of Justice.
- Forwards four FBI Forms FD-249 to the parole unit within seven days of receiving certified court documents from the parole unit, as required per PC 295, et seq.
- Verifies all required offender documents are received from the parole units, including original signed Notice and Conditions of Parole and Special Conditions of Parole.

#### **Regional Reentry Unit**

- Upon receipt of the CDCR Form 2218 from Parole Case Records, determines the parole unit assignment.
- Returns the completed CDCR Form 2218 to Parole Case Records, and sends a copy to the assigned parole unit.

#### **81010.12.4 Post Release Community Supervision Screening and Initial Interview Procedures**

DAPO staff shall prioritize screening of direct release cases to determine Post Release Community Supervision (PRCS). The unit supervisor or assistant unit supervisor shall review the certified court documents to determine if the commitment offense meets criteria for PRCS supervision, as described in PC Sections 3000.08 and 3451. If applicable, the Static-99R score or FSORA shall be reviewed to determine if the offender meets the criteria for designation as a High Risk Sex Offender. If it is determined the offender meets the criteria to be supervised as a PRCS case, the unit supervisor or assistant unit supervisor shall approve the determination as applicable.

It is the responsibility of DAPO to notify the offender in writing of their responsibility to report to the appropriate county PRCS agency. DAPO shall not forward the required documents to Parole Case Records for case closure without first notifying the offender in writing to report to the appropriate county PRCS agency utilizing CDCR Form 1515-CS (08/12), Notice and Conditions of Postrelease Community Supervision. If the offender fails to report to DAPO upon initial release from county jail and it has been determined the offender is eligible for PRCS supervision, the unit supervisor shall assign the case to a parole agent to investigate the matter and make every effort to locate the offender.

If the offender is unable to be located, a warrant shall be requested. The time during which the offender's parole is suspended shall not be credited toward any period of parole supervision. After the offender has been located, and if the offender has not been notified to report to PRCS, DAPO shall ensure the offender is informed in writing of their obligation to report to the appropriate county PRCS agency utilizing CDCR Form 1515-CS. The parole agent will then forward the required documents to Parole Case Records and request the offender's supervision be transferred to the appropriate county PRCS agency.

Failure to forward the completed documents (FBI fingerprint cards, RPS, 1515-CS, 1502-B, and certified court documents) to Parole Case Records and/or to provide notice to the offender, within 60 days, will result in DAPO retaining the case for continued supervision.

Direct Release offenders who report to DAPO as ordered by the sentencing court and are determined to be PRCS-eligible shall be processed as follows:

#### **Parole Agent**

- Completes the RPS via SOMS and submit to the unit supervisor or designee for signature. Ensure sections I, III, IV, and V of the RPS are completed.
- Contacts the appropriate county PRCS agency for reporting instructions and complete section VII of the RPS.
- Ensures the offender signs section VII of the RPS and provide a copy of the signed RPS to the offender.
- Completes CDCR Form 1515-CS, and have the offender sign or indicate if the offender refuses to sign.
- Completes a CDCR 1502, Activity Report, specifically noting the date, time, and address of the county PRCS agency the offender is to report. Also include the address of where the offender plans to reside, making special note of any obstructions i.e., locked gate, dogs, etc.
- Documents the contact with the offender in the Record of Supervision.
- Updates Offender Demographics in SOMS.
- Obtains a buccal swab sample, right thumb print, and full palm impression of each hand of the offender as required by PC 295, et seq.
- Upon receipt from Parole Case Records completes four FBI Forms FD-249 as required by PC 295, et seq. Forward three of the fingerprint cards to Parole Case Records and retain one card in the field file.
- Forwards copies of the RPS, CDCR Form 1515-CS, CDCR Form 1502, and copies of the certified court documents (Abstract of Judgement, Minute Order or the district attorney's felony complaint, and the probation officer's report or police report) to Parole Case Records via electronic mail at DAPO-DirectReleaseDocuments@cdcr.ca.gov.
- Ensures original certified court documents are mailed to Parole Case Records within 24 hours.

#### **Unit Supervisor or Assistant Unit Supervisor**

- Scans the CI&I report and Minute Order (if available) if an offender does not have an active record in SOMS, and sends the documents via electronic mail to Parole Case Records at: DAPO-DirectReleaseDocuments@cdcr.ca.gov.
- Opens the "RPS Offender Investigation" in SOMS and assigns a parole agent upon receiving a PID number from Parole Case Records and the RPS from the Regional Reentry Unit.



- Electronically signs and closes the “RPS Offender Investigation” upon completion by the parole agent.
- Reviews and signs the CDCR Form 1515-CS.
- Assigns the supervision level of the offender pending transfer to PRCS.
- Notifies Parole Case Records of the completion of the PRCS initial interview procedures via electronic mail at: DAPO-DirectReleaseDocuments@cdcr.ca.gov.
- Ensures all required documents are completed and have been collected and mailed to Parole Case Records for inclusion in ERMS.

#### **Parole Case Records Staff**

- Conducts an Offender Registration Search in SOMS to determine if there is an existing record. If no record exists, a PID and CDCR number shall be generated and forwarded to the unit supervisor via electronic mail.
- Enters the “Intake New Case” in supervision events during the process of generating the new CDCR number.
- Submits the CDCR Form 2218, to the appropriate Regional Reentry Unit for parole unit assignment. Ensure the Reentry Unit is advised the offender is PRCS eligible.
- Enters commitments, legal mandates, and personal characteristics/demographics information into SOMS.
- Completes any registration requirement forms to be mailed to the parole unit for parolee signature and thumb print. Forms are to be returned to Parole Case Records for distribution to ERMS and the Department of Justice.
- Forwards four FBI Forms FD-249, to the parole unit within seven days of receiving certified court documents from the parole unit, as required per PC 295, et seq.
- For commitment offenses of PC 245(a)(4), PC 4501, and/or VC 23153, determines if the convictions meet the criteria of PC 1192.7(c).
- Verifies all required offender commitment documents have been received.
- Forwards required documents to the appropriate PRCS agency via the Secure Automated File Exchange system upon receipt of the completed SOMS-generated RPS.
- Completes the discharge process in SOMS when the offender is determined to be PRCS eligible and all required documents have been received from the parole unit.

#### **Regional Reentry Unit**

- Upon receipt of the CDCR Form 2218 from Parole Case Records, determines the parole unit assignment.
- Returns the completed CDCR Form 2218 to Parole Case Records.
- Initiates and completes section VI, CDCR Parole Reporting Instructions in the RPS. SOMS will automatically generate an alert to the assigned parole unit that a new RPS is available.

#### **81010.13 Parolee Reporting and Pick Up (Penal Code 3060.7)**

All inmates and parolees shall be instructed to report on the first working day following any release, unless prior arrangements are approved in writing by the unit supervisor. Inmates who meet the highest risk classifications are required to report no later than 48 hours after release, or the first working day following release, whichever is sooner.

Offenders who are required to register pursuant to PC 290 through 290.024, or have a CSRA score of five shall be designated as meeting the highest risk classifications. The release date of these inmates may be adjusted in accordance with CDCR policy to ensure the inmate reports no later than 48 hours after being released. For reporting instruction purposes, in the event a CSRA score is not available, DAPO shall presume an offender’s CSRA score is five until the CSRA scoring process is completed and the offender’s actual score is determined. Offenders who are being released from an Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, or offenders who are being treated in the Enhanced Outpatient Program (EOP) that

are unable to take public transportation shall be picked up by a parole agent and transported to the parole unit in accordance with 81010.14.3. DAPO has the discretion to require other offenders to be picked up by the parole agent.

#### **81010.13.1 Reporting Instructions Procedures**

##### **Parole Agent**

- Document the CSRA score for the offender on the CDCR Form 611, in the “Parole Supervision Level.”
- Attach the CSRA score generated by the Correctional Offender Management Profiling for Alternative Sanctions system to the CDCR Form 611, and retain a copy of the CSRA score in the field file.
- Document reporting instructions on the CDCR Form 611.
- If the offender has a CSRA score of five or is required to register pursuant to PC 290 through 290.024, complete the CDCR Form 1649. Submit the CDCR Form 1649 by fax to the institutional records office. Check the box titled “Release per PC 3060.7” on the CDCR Form 611. The offender shall be instructed to report within 48 hours of release, in accordance with Section 81010.14.
- The CDCR Form 1649 may also be used to transmit reporting instructions to any offender, at the discretion of the parole agent.
- The NOC, as generated using SOMS, may also include reporting instructions.
- Include any document(s) with reporting instructions with the CDCR Form 611 being returned to the institution prior to the offender’s release date.

#### **81010.13.2 Release Date Adjustment Procedures**

Offenders who meet the highest risk classification criteria and are being released on a Friday or on a day before a holiday shall have their release date adjusted to allow the offender to report within 48 hours. There will be some instances in which a parole agent may be required to work on a weekend or a holiday in order to comply with the reporting requirements. When a release date is adjusted, the following lines of responsibility shall occur:

##### **Parole Agent**

- Complete the CDCR Form 1649 with the date, time, and location the offender is to be instructed to report.
- The parole agent may provide instructions for the offender to report to a location other than the parole unit, with approval from the unit supervisor. These instructions and reporting location will be documented on the CDCR Form 1649, with the complete address of the reporting location, as well as the date and time. “N/A” shall be entered in the “Parole Unit” box if the offender is being instructed to report to a location other than a parole unit.
- After unit supervisor approval of the reporting date and time, submit the CDCR Form 1649 by fax to the institutional records office.
- If the offender fails to report as instructed, conduct a case conference with the unit supervisor to determine if an after-hours warrant is necessary.

##### **Unit Supervisor**

- Ensure the reporting instructions on the CDCR Form 1649 will instruct the offender to report no later than 48 hours after release.
- Ensure a parole agent is on-duty to conduct an initial interview when the offender is scheduled to report.

#### **81010.13.3 Parole Agent Pick Up Procedures**

Offenders who meet any of the following criteria shall be picked up by a parole agent or team of parole agents:

- Serving a determinate or indeterminate Security Housing Unit term imposed by an Institutional Classification Committee or the Departmental Review Board, and is being released from an Administrative Segregation Unit, Security Housing Unit, or Psychiatric Services Unit.
- Classified EOP and determined by two institutional mental health clinicians to be unable to use public transportation. This finding shall be documented by institutional staff on a CDCR Form 128-C, Medical Chrono.
- Any offender or parole violator who, as determined by the parole agent and unit supervisor, may pose an enhanced risk to public safety that may be reduced by a direct pick-up.

The following lines of responsibility shall occur when the determination is made that an inmate will be picked up at the institution or other designated location.

**Parole Agent**

- Complete the CDCR Form 1649 noting the date and approximate time the offender will be picked up from the releasing facility or at a pre-arranged meeting location.
- Provide the CDCR Form 1649 to support staff to be faxed to the releasing institution.
- If the offender is housed at a facility that will require the parole agent to drive an excessive amount of time, contact the Classification and Parole Representative (C&PR) at the institution housing the offender to make arrangements to have the offender transported to an institution closer to the parole unit or to arrange a meeting point.
- Contact the releasing institution if there are delays in the anticipated arrival time.
- Pick up the offender at the designated facility or prearranged meeting location at the scheduled date and time.
- Transport the offender pursuant to DAPO policy to the parole unit or residence of record.

**Unit Supervisor**

- Ensure the parole agents are available to pick up the offender on their scheduled or adjusted release date.
- Ensure the parole agent provides pick up directions to the releasing institution by completing and sending the CDCR Form 1649.
- Coordinate the pick up date and time with C&PR.

**81010.14 Conditions of Parole Policy**

The conditions of parole, as established by CDCR or the BPH, are the same for persons sentenced to either a determinate or an indeterminate term of imprisonment. These conditions of parole are not a contract, but are a means of informing offenders of the specific rules governing their behavior. The conditions shall be imposed on the offender whether or not the offender signs the NOC form and/or the SCOP form.

**Non-English**

If the offender does not understand English, the DAPO shall provide an interpreter in a language the offender understands for all parole proceedings.

**81010.15 Special Conditions of Parole Policy**

DAPO may impose SCOP in addition to the conditions of parole prior to or after the initial parole date. County superior courts may also impose or modify conditions of parole for parolees sentenced under PC 1170. SCOP imposed by the court may only be modified or removed by the same court.

BPH will establish and impose the SCOP for parolees over which BPH has jurisdiction. BPH may impose any SCOP at the hearing where parole is granted. The special condition and reasons for its imposition will be created using the SOMS "Notice of Conditions" and "Special Conditions of Parole" functions, printed, and given to the offender prior to release. SCOP imposed by BPH are removed or modified only through BPH action. DAPO may impose additional SCOP on offenders under BPH jurisdiction.

DAPO will establish and impose NOC and/or SCOP for persons subject to PC 1170.

All SCOP will be specified in writing with the reason for their imposition and must be issued to the offender in writing prior to becoming effective. The SCOP should be clearly defined to provide the reader a substantive, defensible, and clear understanding of the SCOP and the reasons for validity.

SCOP may regulate conduct that is not in itself criminal, but reasonably likely to increase the chance the offender will commit a new crime. SCOP may be imposed if there is a nexus or if the SCOP are reasonably related to the offender's commitment offense, criminal history, and/or future criminality. SCOP that prohibit otherwise lawful activity are valid only if the prohibited conduct either (1) has a relationship to the commitment offense or criminal history, or (2) is reasonably related to the offender's history to deter future criminality.

**81010.16.1 Special Conditions of Parole Mandated by Statute Policy**

Offenders who meet the following criteria shall have SCOP imposed as required by the statute listed in the following table:

<b>Commitment Offense or Past Offense (as noted)</b>	<b>SCOP required</b>	<b>Statutory justification</b>
Commitment offense of PC 136.1, 262, 273.5, 273.6 (where victim was the victim of domestic violence), 422 (where victim was the victim of domestic violence), 646.9, and any serious or violent offense in which the victim was a family member	The offender shall enroll in and complete a certified batterer's program within 30 days of the first contact between the parole agent and parolee.  The offender shall not threaten, stalk, sexually abuse, harass, or commit further violent acts against the victim.  The offender shall not come within 100 yards of the victim's residence or workplace (upon request of the victim or victim's legal guardian if the victim is a minor, and/or if the parole agent or unit supervisor deems it appropriate).  The offender shall not contact the victim or victim's family (upon request of the victim or victim's legal guardian if the victim is a minor, and/or if the parole agent or unit supervisor deems it appropriate).	PC 3053.2
All offenders required to register per PC 290-294	The offender shall report to, enroll in, and actively participate in a sex offender therapy program approved by DAPO. The offender shall waive psychotherapist-patient privilege and sign all necessary enrollment documents.  The offender shall agree to polygraph examinations.	PC 3008
All offenders convicted of a crime listed in PC 667.5(c)	The offender shall not contact the victim, witness, or victim's or witness's family.  The offender shall not reside within 35 miles of the victim/witness (if requested by the victim/legal guardian).  The offender shall not reside in the same county as the victim (if requested by the victim/legal guardian)	PC 3003, PC 3003(f)
Commitment offense of PC 288 (including subsections) and/or PC 288.5	The offender shall not reside within ½ mile of a school serving any grades kindergarten through 12.	PC 3003(g)

The parole agent, upon approval of the unit supervisor, may impose additional SCOP if the SCOP meet the criteria established in *People v. Lent* (1975) 15 Cal.3d 481.

#### **81010.15.2 Special Conditions of Parole Procedures**

##### **Parole Agent**

- Reviews case factors to determine appropriate SCOP, if any.
- Determines whether the offender is capable of understanding the NOC and SCOP in English.
- Reviews offender's profile in the Disability and Effective Communication System to determine if any accommodations are necessary.

##### **(At Least 60 Days Prior to Earliest Possible Release Date)**

- Creates the NOC and SCOP (if applicable) in SOMS and the reason(s) for recommendations.
- Electronically routes the NOC and SCOP to the unit supervisor in SOMS for review.

##### **Unit Supervisor**

- Ensures all SCOP are justified and the justifications are clearly defined.
- Reviews the NOC and SCOP and enters approval and digital signature in SOMS, thereby imposing the special conditions.
- The unit supervisor and parole agent shall conduct a case conference if there is a disagreement about the proposed NOC and SCOP prior to approval.

##### **Institution Case Records Staff (Prior to Inmate's Parole)**

- Upon receipt of the completed CDCR Form 611, update the release plan in SOMS to reflect that the CDCR Form 611 has been received from DAPO.
- Distribute the CDCR Form 611 to the appropriate correctional counselor (CC).
- After receiving the completed CDCR Form 611, NOC, and SCOP from the CC, update the release plan status in SOMS to "Finalized."
- Scan the completed CDCR Form 611, NOC, and SCOP into the Electronic Records Management System (ERMS).

##### **Correctional Counselor**

- Upon receipt of the CDCR Form 611 from Institutional Case Records staff, verify that an NOC and SCOP (if applicable) exist in SOMS.
- If there is no NOC or SCOP, create a "generic" NOC and SCOP.
- At least 45 days prior to scheduled release on parole, print and review the NOC and SCOP with the offender and obtain the offender's signature and initials in the designated sections. If the offender refuses to sign, write "refused to sign" and initial and date in place of the offender's signature.
- Provide a copy of the NOC and SCOP to the offender.
- Forward the completed CDCR Form 611, NOC, and SCOP to Institutional Case Records.

#### **81010.15.3 Imminent Release (Oral RPS) Conditions of Parole Procedures**

##### **Correctional Counselor**

- Create the NOC and SCOP within SOMS.
- Print and review a "generic" copy of the NOC and SCOP (if applicable) with the offender, as described above.
- Provide a copy of the NOC and SCOP to the offender.
- Forward the completed CDCR Form 611, NOC, and SCOP to Institutional Case Records.

##### **Parole Agent**

- Upon assignment of the case, review the NOC and SCOP created by the CC, and amend NOC and SCOP as necessary.

#### **81010.15.4 Serving Offender With Notice of Conditions and Special Conditions of Parole Procedures**

##### **Parole Agent**

- Print a copy of the NOC and SCOP (if applicable) and review them with the offender. If necessary, use the DAPO approved translator service in a language the offender understands.
- Instruct the offender to initial and sign appropriate boxes in the NOC and SCOP.
- If the offender refuses to sign, write "refused to sign" and initial and date in place of the offender's signature.
- Provide a copy of the NOC and SCOP to the offender.

#### **81010.16 Removal or Revision of Special Conditions of Parole Policy**

The unit supervisor may remove or modify SCOP not imposed by BPH or the court.

Special condition to participate in psychiatric treatment may not be removed without concurrence of Parole Outpatient Clinic (POC) staff.

#### **81010.16.1 Removal or Revision of Special Conditions of Parole Procedures**

##### **Parole Agent**

- Conducts case conference with the unit supervisor to determine if NOC and/or SCOP need to be revised or removed.
- Records, dates, and signs case conference decision on the Record of Supervision.
- Prepares revised NOC and SCOP in SOMS.
- After unit supervisor approval, serves offender with new NOC and SCOP as described in 81010.16.4

##### **Unit Supervisor**

- Reviews the revised NOC and SCOP in SOMS, and electronically signs the NOC and SCOP.

#### **81010.16.2 Revisions to Board of Parole Hearings-Imposed Special Conditions of Parole**

##### **Parole Agent (After Release to Parole)**

- If the parole agent seeks to modify a special condition imposed by BPH, the agent completes the BPT Form 1135, Miscellaneous Decision, indicating recommended SCOP and reasons for recommendation and forwards to unit supervisor.

##### **Unit Supervisor**

- Reviews BPT Form 1135 and signs if approved.
- Faxes BPT Form 1135 to BPH.

##### **Parole Agent (After Board of Parole Hearings Decision)**

- If needed, creates new NOC and SCOP in accordance with BPH's decision and serves offender.

#### **81010.17 Offender Refusal to Sign Notice and Conditions of Parole Policy**

The parole agent shall request the offender sign the NOC and SCOP (if applicable). A California offender is not required to sign the NOC and SCOP in order for them to be in effect. If an offender supervised by DAPO under the terms of the Interstate Compact on Adult Offender Supervision refuses to sign the NOC and SCOP, this shall be considered a significant violation and reported to the sending state in accordance with DOM Chapter 8, Article 6, with a recommendation that the offender be returned to the sending state.

#### **81010.17.1 California Offender Refusal to Sign Notice and Conditions of Parole Procedures**

##### **Parole Agent**

- Interview offender to determine why they refuse to sign.
- Attempt to resolve dispute.
- If the offender continues to refuse to sign the NOC and SCOP, the parole agent shall advise the offender that the conditions are imposed regardless of signature.
- The parole agent shall write "REFUSED TO SIGN" in the offender's signature box of the NOC and SCOP forms.
- Inform the unit supervisor of the refusal.

### **81010.17.2 Interstate Compact Offender Refusal to Sign Notice of Conditions and Special Conditions of Parole Procedures Parole Agent**

- Interview offender to determine why the offender refuses to sign the NOC and SCOP (if applicable).
- Attempt to resolve the dispute.
- If the offender continues to refuse to sign the NOC and SCOP, report the violation to the sending state as a significant violation as described in section 81060.10. The offender may be placed in custody on an interstate hold with unit supervisor approval. When submitting the violation report, the parole agent shall recommend that the sending state retake the offender.

### **81010.18 Parole Agent's Verbal and Written Instructions Policy**

A verbal instruction requiring or prohibiting specific behavior that will be in effect for five calendar days or more shall be confirmed in writing within five business days after notifying the offender. The parole agent shall ensure the offender understands the instructions, and shall document the instructions given on the Record of Supervision. If the verbal or written instruction is permanent, it requires modification of the NOC and/or SCOP. The modified NOC and/or SCOP shall be served to the offender within five business days from the date of verbal instruction.

### **81010.19 Dual Referral Pre-Parole Policy**

For offenders in CDCR institutions referred to out-of-state placement, the CDCR Form 611 and the "RPS Offender Investigation" in SOMS shall be forwarded to both the appropriate parole region and the Interstate Compact Unit for investigation. Parole unit staff will conduct the pre-release tasks in the same manner as other pre-parole referrals until notified by institution staff of acceptance by the receiving state. If the offender is not accepted for supervision by the receiving state prior to release on parole, the offender shall report to DAPO as instructed.

### **81010.20 Warrant Pending Pre-Parole Policy**

For offenders with pending warrants, holds, or detainers, the CDCR Form 611 and the "RPS Offender Investigation" in SOMS shall be forwarded to the appropriate parole region.

Parole unit staff shall conduct the pre-release tasks in the same manner as other pre-parole referrals.

If the warrant is exercised by a California agency or a federal agency (other than USICE) upon the offender's release and the offender is housed in custody in California, the assigned parole agent is responsible for monitoring case status and providing service in the same manner as other cases in local custody.

If the warrant is exercised by an out-of-state agency or by a federal agency (other than USICE) and the offender will be in custody outside California, the assigned parole agent shall monitor case status in the same manner as other cases in local custody.

If the warrant is exercised by an out-of-state agency or by a federal agency (other than USICE) and the offender is released to a local agency pending extradition, the assigned parole agent is responsible for monitoring case status and providing services in the same manner as other cases in local custody.

### **81010.20.1 Offenders Paroled to Warrant Procedures**

#### **Parole Agent**

- Assure that length of parole, NOC, and SCOP (if applicable), for Determinate Sentence Law cases are included in the completed CDCR Form 611.
- Determine name, address, warrant number, and Also-Known-As (AKA) (if applicable) of the offender for agency taking custody out-of-state.

#### **Institution Staff**

- Notify parole agent on or before scheduled release date if warrant is not exercised (parole agent assumes responsibility for the case).
- Enter parole unit into SOMS.

### **81010.21 United States Immigration and Customs Enforcement Detainer Policy**

If known, SOMS and CDCR Form 611 shall specify if an offender will be paroled to a United States Immigration and Customs Enforcement

(USICE) hold. DAPO is responsible for monitoring case status both prior to completion of deportation proceedings and after deportation according to the following procedures:

- Each DAPO Region shall maintain a Regional Immigration and Customs Enforcement (ICE) Unit.
- The Regional ICE Unit is the repository for field files for all offenders who are in the custody of ICE and/or pending deportation. The Regional ICE Unit shall also monitor deported parolees.
- A SCOP shall be imposed on all cases that have a USICE detainer prior to release stating, "If deported you shall not re-enter the United States of America (USA) illegally."

### **81010.21.1 United States Immigration and Customs Enforcement Detainer Procedures**

When a parole agent becomes aware of an offender under their supervision is being held in USICE custody, or has an active USICE hold or detainer, they shall prepare that case for transfer to the respective Regional ICE Unit. The parole agent shall forward the reports and field file to the unit supervisor for approval. Once approved by the unit supervisor, the case shall be transferred to the respective Regional ICE Unit according to current DAPO policy. Information justifying the reason for the transfer to the Regional ICE Unit shall be entered into SOMS.

### **81010.21.2 Regional Re-Entry Unit Procedures**

If a USICE hold or detainer exists when the case is sent by Institutional Case Records to the Regional Re-Entry Unit, the Re-Entry Unit shall:

- Process the CDCR Form 611 in accordance with current policy.
- Review all available records and databases for the active USICE hold or detainer.
- In the "Assigned Parole Unit" box of the CDCR Form 611, the Re-Entry Screener shall note the Regional ICE Unit assignment. The assigned DAPO parole unit will be written in parentheses next to the Regional ICE Unit.
- The parole unit address and location will reflect the assigned parole unit in the event the offender is released.
- The reporting instructions shall be to report to the Officer of the Day.
- Supervision level and reporting instructions shall be in accordance with current DAPO policy.
- The parole service associate (PSA) shall make an assessment and recommendation as to the supervision level of the offender, regardless of the offender's foreign national affiliation.
- The case shall be forwarded to the Regional ICE Unit. The parole unit assignment in SOMS for all active Northern Region USICE cases shall be INS1 and all active Southern Region cases shall be INS3.

### **81010.21.3 Regional Immigration and Customs Enforcement Unit Supervision Procedures**

Upon receipt of field files from DAPO parole units or the Regional Re-Entry Unit, the Regional ICE Unit shall:

- Update SOMS to reflect acceptance of the case transfer.
- The Regional ICE Unit supervisor shall review the field file(s) and assign to a PSA.
- On the offender's release date, or the following business day, the PSA shall review SOMS to verify whether or not the offender was released to the community or to another law enforcement agency. If the offender was released to a hold or detainer other than a USICE hold or detainer, but still has an active USICE hold or detainer, the PSA shall keep the field file and monitor the case in accordance with DAPO policy.
- If the law enforcement agency releases the offender to the community with no pending USICE hold or detainer, the PSA shall prepare the field file for transfer to the respective parole unit identified on the CDCR Form 611.
- Prior to transfer, any Discharge Review Date (DRD) or Controlling Discharge Date (CDD) discrepancies shall be submitted to Parole Case Records for clarification prior to transferring the field file, but shall not delay transferring the field file to the appropriate parole unit.
- If the offender was released to the custody of USICE, the PSA shall determine the current custody location or deportation status. Upon verification that the offender is in USICE custody, the case shall be designated "Pending Deportation" status in SOMS.
- The PSA shall verify a "Pending Deportation" parolee's USICE custody status each calendar month.

#### **81010.21.4 Regional Immigration and Customs Enforcement Unit Procedures for Deported Offenders**

Upon verification that the offender has been deported, the PSA in the Regional ICE Unit shall:

- Change the status in SOMS to “Deported.”
- Obtain a CI&I report not more than 45 days older than the due date of the discharge review and any documents verifying the offender’s deportation.
- Initiate an Abbreviated Discharge Review on the CDCR Form 1502-DR, Discharge Review Report, in the Parole Violation Disposition Tracking System (PVDTS).
- In the body of the CDCR Form 1502-DR, provide details that the offender was deported and recommend the offender be discharged due to deportation.
- Upload proof of deportation into the PVDTS Discharge Review packet.
- Continue to supervise the case until discharged.

When the Regional ICE Unit places a PC 3056 hold, or becomes aware a hold has been placed on a USICE case, the PSA shall initiate the CDCR Form 1502-B, Probable Cause Determination, in PVDTS. The completed CDCR Form 1502-B shall provide as much information as possible to include, but not limited to: arresting agency, agency case number, custody location, current charges, and scheduled court date. The Regional ICE Unit supervisor shall review the CDCR Form 1502-B and electronically sign it in PVDTS. Upon approval of the CDCR Form 1502-B, the Regional ICE Unit PSA shall:

- Contact the assigned parole unit’s supervisor or Parole Agent II (Supervisor) as indicated on the CDCR Form 611, via electronic mail and inform them of the arrest, including all of the information listed above.
- Initiate transfer of the case in SOMS to the assigned parole unit.
- Forward the CDCR Form 1502-B and field file to the assigned parole unit via overnight mail.

#### **81010.21.5 Regional Immigration and Customs Enforcement Unit Procedures for Offenders Released**

During monitoring of an offender that was being held in USICE custody, if the PSA discovers or is notified that the offender is pending release to the community, the PSA shall:

- Contact the assigned parole unit via electronic mail and inform the unit supervisor or Parole Agent II (Supervisor) of the upcoming release date and notify the parole unit that the case is being transferred.

If the PSA discovers or is notified the offender was released from USICE custody, the PSA shall:

- If the offender has reported to the parole unit, initiate the transfer in SOMS and forward the field file to the appropriate parole unit.
- If the offender has not reported to the parole unit, initiate the transfer in SOMS to the appropriate parole unit, detailing the known circumstances of the release. The PSA shall determine if the offender has a CSRA score of five, or if the offender is required to register pursuant to PC 290 through 290.024. If either of those apply, the PSA shall electronically mail the unit supervisor of the assigned parole unit and report the case factors along with any other pertinent information about the release.

#### **81010.21.6 Regional Immigration and Customs Enforcement Unit Procedures for Deported Offenders Who Return to the United States of America Illegally**

- If the offender has not been arrested, enter comments into SOMS detailing the case factors and discovery of the illegal re-entry.
- Determine if the offender has a CSRA score of five or if the offender is required to register pursuant to PC 290 through 290.024. If either of those apply, the PSA shall electronically mail the unit supervisor and Parole Agent II (Supervisor) of the assigned parole unit and report the case factors along with any other pertinent information about the offender’s release and/or arrest.
- Initiate the transfer in SOMS to the appropriate parole unit and transfer the case to the parole unit via overnight mail.

- If the offender has been arrested, complete the CDCR Form 1502-B in PVDTS, detailing the known circumstances of the arrest, including case numbers and court dates. Transfer the field file to the parole unit via overnight mail after the unit supervisor approves and electronically signs the CDCR Form 1502-B.

#### **81010.21.7 Parole Unit Responsibilities**

Upon receipt of a field file from the Regional ICE Unit, the case shall immediately be assigned to a parole agent. The case shall be supervised in accordance with DAPO policy.

- If the case was transferred to the parole unit due to the offender being released from USICE custody and the offender has not reported to the parole unit, the parole agent shall request a warrant for the offender’s arrest in accordance with DAPO policy.
- If the case was transferred to the parole unit after the offender’s arrest and the placement of a parole hold, the parole agent shall conduct a case conference with the unit supervisor or designee and determine the course of action for the violation in accordance with DAPO policy.
- If the case was transferred to the parole unit and the offender reported, the parole agent shall supervise the case in accordance with DAPO policy.
- If the offender is returned to USICE custody, the case shall be transferred back to the Regional ICE Unit.
- If the offender reports prior to the parole unit’s receipt of the field file from the Regional ICE Unit or prior to the case being assigned to a parole agent, the OD shall access CDCR databases to obtain necessary documents to begin the initial interview and update the NOC and SCOP, if necessary. The OD shall also ensure that the offender is photographed according to current DAPO policy.
- If the offender reports to the parole unit and is discovered to be in the USA illegally, the OD, parole agent, or unit supervisor shall contact the nearest USICE field office.

#### **81010.22 Release From Revocation Status Policy**

The superior court or BPH may set a specific period of revocation time following a finding of good cause. The offender shall be released from custody on the day of completion of the revocation period. The parole agent will assist the offender in readjusting to the community.

#### **81010.22.1 Release From Revocation Status Procedures**

##### **Parole Agent**

- Retain field file of offender serving a revocation period.
- Supervise offender as active case when serving a revocation period in local custody, in accordance with DAPO policy.
- If necessary, amend NOC and SCOP to comply with applicable changes ordered by BPH, courts, or as a result of conduct or circumstances of the violation.
- Serve offender with new NOC and SCOP upon release from revocation.
- Monitor the case in local custody during the revocation period.

#### **81010.23 Revisions**

The DAPO Director or designee is responsible for ensuring that this section is current and accurate.

#### **81010.24 References**

PC §§ 1168, 1170, 1170.18, 3000, 3000.1, 3003, 3056, 3058.6, 3058.8, 3057(b), 3060.5, 3060.7 3064, and 11177.

CCR (15) (2) §§ 2510, 2512, 2513, and 2515.

## **ARTICLE 2 — CASE SUPERVISION**

*Revised October 30, 2018*

### **81019 Policy**

#### **Legal Basis of Parole**

The California Legislature has found and declared “...that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the State to provide for the supervision and surveillance of parolees and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge.”

### Responsibility for Supervision

Each parolee, whether on active, suspended Parolee-at-Large (PAL), or revoked status, shall be assigned to a parole agent. Parole agents are responsible for case supervision, surveillance and services delivery to parolees assigned to their caseloads. The primary means through which parole agents fulfill these responsibilities are through contacts with parolees and persons involved with the parolees. Parole agents shall cooperate with other law enforcement and human services agencies that may be involved with their parolees. Case contacts (field, office or collateral) shall be carried out to accomplish supervision objectives.

#### 81019.1 Purpose

The purpose of this Article is to establish supervision specifications consistent statewide, based on the current risks and needs of an offender supervised by Division of Adult Parole Operations (DAPO). Should any clause of this article be in conflict with the Bargaining Unit 6 Memorandum of Understanding (MOU), the MOU shall prevail.

#### 81020 California Parole Supervision Reintegration Model

The California Department of Corrections and Rehabilitation (CDCR), DAPO, utilizes the California Parole Supervision Reintegration Model (CPSRM), which utilizes evidence-based practices to enhance public safety through long-term positive behavioral change. The mission of CPSRM is community safety through recidivism reduction. The core of CPSRM emphasizes the quality of supervision and the total involvement of the parolee in the supervision process. These practices have proven to positively impact offender reintegration into society.

#### 81020.1 California Parole Supervision Reintegration Model Supervision Categories

DAPO shall utilize varying supervision categories that are consistent with the parolee's case plan and risk level as determined by the California Static Risk Assessment (CSRA) score and performance on parole. Each parolee shall be assigned to a specific supervision category level based on their assignment to a supervision model. The supervision categories are as follows:

- TP - Transition Phase
- CA - Category A
- CB - Category B
- CC - Category C
- CD - Category D
- CP - Residential Treatment Program
- HC - High Control
- EX - Enhanced Outpatient Program (EOP) Non-Specialized
- EO - EOP Specialized
- MD - Mentally Disordered Offenders (MDO) Specialized
- MX - MDO Non-Specialized
- IS - Electronic In Home Detention (EID) Monitoring (Sanction)
- IM - EID Monitoring (Monitoring Tool)
- OH - Non-Sex Offender referred to the Office of Correctional Safety
- PD - Pending Deportation
- DP - Deported

#### 81020.2 Case Category Assignment Criteria

##### Initial Case Category Assignment

Unless otherwise specified in this Article, all parolees shall be supervised in category TP, upon their initial release from custody.

##### Changing Supervision Levels

When changing supervision levels, the individual parolee's case factors, risk to the community, and progress in addressing their criminogenic needs must be the foundation for the decision. CPSRM is designed to customize the supervision to the individual needs of the parolee. When reducing the supervision level, there should be an incremental decrease in supervision level which is based on the parolee's performance, length of time in the community and programming to address criminogenic needs. The parole agent should have the opportunity to assist the parolee with long-term behavioral change, but also observe the parolee's community adjustment for a period of time prior to reducing the supervision level.

The following guidelines to change supervision levels, based on the case conference review rating scale stating "reduction is warranted" may be followed:

Category TP - Category A = 60 to 90 days (mandatory).

Category A - Category B.

Category B - Category C.

Category D - Custody/Gravely Ill (mandatory)

#### 81020.2.1 Transition Phase Cases

Parolees assigned to the category TP shall be:

- Assigned upon initial release from custody. Parolees directly released to or immediately placed into a state funded residential program shall normally be reduced to the category CP level of supervision while participating in the program.
- Assigned for a minimum of 60 consecutive calendar days, and a maximum of 90 consecutive calendar days.
- Parolees in the first year of the parole term who are returned to custody for a period of 60 consecutive calendar days or more.
- Parolees in the first year of the parole term who are reinstated to parole after being PAL for 30 calendar days or more.
- The following parolees shall be excluded from placement into the TP category:
  - Parolees required to register pursuant to Penal Code (PC) Sections 290 through 290.024 who shall be supervised in accordance with the Sex Offender Management Program (SOMP).
  - Validated gang members or associates as approved by the unit supervisor, who shall be placed on Global Positioning System (GPS) monitoring and placed on a specialized caseload.
  - Enhanced Outpatient Program (EOP) and MDO participants.
  - Inmates who are eligible for post release community supervision pursuant to PC Section 3451.

#### 81020.2.1.1 Exceptions to Transition Phase

- Parolees directly released to or immediately placed into a state funded residential program shall normally be reduced to the category CP level of supervision while participating in the program.
- Inmates supervised under the Alternative Custody Program (ACP) or Expanded Medical Parole program.
- Parolees who are in the second year or beyond of the parole term that previously successfully completed a program during the first year to address their criminogenic needs and are then returned to custody for a period of 60 consecutive calendar days or more, and/or are reinstated after being PAL for 30 calendar days or more, shall have a case conference review to determine if the category A supervision level is more appropriate.

#### 81020.2.2 Category A Cases

Category A cases shall normally be reserved for the following parolees:

- Parolees whose risk level includes High Drug, High Property, and High Violence, defined as:
  - High Risk Drug, with a CSRA score of 3.
  - High Risk Property, with a CSRA score of 4.
  - High Risk Violence, with a CSRA score of 5.
- Public interest cases.
- High notoriety cases.
- Parolees governed by the Interstate Commission for Adult Offender Supervision until a manual CSRA score is calculated.
- Parolees assigned to EID supervision.
- Immediately following supervision in category TP for additional transition time, if case factors warrant a higher supervision level.

#### 81020.2.3 Category B Cases

Primarily reserved for parolees whose risk level is moderate with a CSRA score of 2.

#### 81020.2.4 Category C Cases

Primarily reserved for parolees whose risk level is low with a CSRA score of 1.

#### 81020.2.5 Category CP Cases

Reserved for parolees participating in an approved residential treatment program. These cases shall be designated in the Strategic Offender Management System (SOMS) with the supervision level "CP."

Upon successful completion of, or any discharge from, the approved residential treatment program, a case conference review shall be conducted to determine the appropriate supervision level. Any unsuccessful discharge occurring during the first year of the parole term shall not be supervised at less than category A.

Parolees assigned to category CP shall be supervised using monthly specifications equivalent to category C; however, upon recommendation of the parole agent, the unit supervisor may keep a parolee residing in residential treatment at a higher supervision level. The reason for maintaining a higher supervision level shall be documented during the Case Conference Review.

#### 81020.2.6 Category D Cases

Reserved for parolees:

- In custody.\*
- Gravely ill in a home care facility.

\*Parolees shall be placed in category D immediately upon discovery of the arrest or in-custody status. Parolees shall be removed from category D when they are released from custody and report to the parole unit. In the event the parolee is released on a date other than the calculated revocation released date, or in the event the parolee does not report upon release, the parolee shall be removed from category D upon discovery of the parolee's release.

#### Movement Into and Out of Category D

At the unit supervisor's discretion, the parolee may be returned to former supervision category or placed into a higher supervision category upon release if:

- Parolee is in custody for 59 consecutive calendar days or less.
- PAL for 29 days or less.

**NOTE:** The categories listed above may be modified by the unit supervisor based upon the parolee risk to the public and their demonstration in addressing their criminogenic needs. All changes to the supervision levels shall be documented on the electronic Record of Supervision, by the unit supervisor.

#### 81020.2.7 Definition of Category HC Cases

All CPSRM cases placed in suspend status meeting the criteria of determining highest control or risk classification as defined in the California Code of Regulations (CCR) Section 3504.1 [CSRA of 5 (high-violence) or required to register per PC Section 290]. All other CPSRM cases placed in suspend status shall remain in their current CPSRM supervision category.

#### 81020.2.8 Enhanced Outpatient Program Cases

A parolee is designated as a mental health participant at the level of EOP after meeting the following criteria:

- Diagnosed with a major mental disorder requiring more intensive services.
- Require mental health services provided by a Parole Outpatient Clinic (POC) provider or a community-based treatment program.

A parolee designated as an EOP case that is required to register as a sex offender and subject to SOMP supervision, shall be supervised on a SOMP specialized caseload and assigned the appropriate supervision level in accordance with SOMP.

#### Mentally Disordered Offender Cases

Inmates/parolees who meet the following criteria are considered MDO:

- Certified by the CDCR Chief Psychiatrist as meeting the criteria as outlined in PC Section 2962.
- Required to have a special condition of parole mandating treatment by the Department of State Hospitals (DSH).

#### 81020.2.9 Electronic In Home Detention Supervision Categories

When a decision is made by the unit supervisor, Administrative Review Officer, or the Parole Authority to assign a parolee to the EID program, the unit supervisor shall determine if the assignment is the result of a sanction for a violation or if there is a direct nexus to enhance public safety.

**Offenders assigned to the EID Program shall be supervised using monthly specifications equivalent to category A and shall be designated in SOMS as follows:**

EID as a sanction	IS
EID as a monitoring tool	IM

#### Case Exceptions to California Parole Supervision Reintegration Model

Cases meeting any of the following criteria shall not be assigned to CPSRM caseloads and shall be assigned to a specialized caseload:

- Required to register pursuant to PC Sections 290 through 290.024.
- Gang offenders meeting criteria for placement on a gang offender GPS caseload (as needed).
- EOP participants and MDO cases (when there is a minimum of 32 EOP/MDO cases to establish a specialized caseload).

#### 81020.3 Workload Management

Workload distribution and management is essential to be effective in administering the CPSRM. Uniform guidelines have been established for determining workload. The unit supervisor or designee shall ultimately be responsible for the distribution of the workload to subordinate parole agent staff within the CPSRM parole unit.

#### 81020.3.1 Unit Workload Balance Policy

On a weekly basis, the unit supervisor or designee shall be responsible for reviewing and maintaining a balanced and equitable workload between assigned staff, and shall use the Unit Workload Summary report to review the assigned workload. Upon review, the unit supervisor or designee shall attempt to balance the unit workload and maintain an equitable mix of categories on each caseload. No parole agent shall have more than 40 parolees in total between the designations: transition phase, category A, EOP or MDO. The remaining cases shall consist of cases from categories B, C, CP, and/or D and EOP non-specialized caseload overflow (EX), EID Sanctioned (IS), EID Monitored (IM), MDOs non-specialized caseload overflow (MX), and/or category HC cases. EOP cases shall not be placed on a 53:1 caseload except in the following circumstances:

1. There is a sufficient number of EOP, including MDO, cases assigned to a Parole Unit or Complex to create a 40:1 Specialized EOP caseload. EOP Specialized caseloads may be established if there are a minimum of thirty-two (32) cases. The approved 40:1 caseload ratio may be exceeded under the following circumstances: (1) a parolee previously supervised who is now in custody or PAL or (2) an excessive Unit workload situation as described above.
2. If there are insufficient numbers of EOP cases to form an EOP Specialized caseload, the EOP shall be placed on a 53:1 caseload. No more than four (4) EOP, including MDO, cases shall be placed on any non-specialized caseload except in situations where there are not enough case carrying agents (less than eight [8] parole agents in a unit) to allow for four (4) EOPs per agent and less than thirty-two (32) EOPs total. If it is necessary to exceed the preferred maximum level of four (4) cases per parole agent, an equitable distribution of EOP cases within the unit will occur.

If a mental health clinician removes the parolee from EOP status or an MDO parolee is no longer classified as MDO, the parolee may be placed in an appropriate supervision category based on their CSRA score and a case conference review.

#### 81020.4 California Parole Supervision Reintegration Model Category Assignment for Expanded Medical Parolees and Re-Entry Court Parolees

Standard DAPO supervision levels shall apply to all Expanded Medical Parole (EMP) parolees on a case by case basis to be determined by the unit supervisor or designee; however, no EMP parolee shall be supervised at category D, including EMP parolees who are gravely ill. Category D is reserved for in-custody or regular parolees who are gravely ill.

Re-entry court parolees shall be assigned to a category based upon their CSRA score.

#### 81020.5 Documenting Case Activity Policy

The electronic Record of Supervision shall be utilized to record all case activity and parolee interaction during their parole period. It is important to note that all case activity and parolee interaction recorded on the electronic Record of Supervision is critical to the CPSRM process and that recorded entries shall be reviewed by the unit supervisor for accuracy and completeness. Entries should include start and end times and all relevant details of the interactions with anyone related to or involved in the parolee supervision and reintegration. These recorded details shall include the contact's name, relationship to the parolee (on every reference), and the pertinent information discussed.

#### 81020.5.1 Documenting Searches

Any time a parolee is contacted at their residence, the parole agent shall document the type of search that was conducted during the home contact. The type of search to be conducted includes the following:

- Plain View Search - A plain view search is a visual inspection of the immediate environment to locate any parole violations or threats to the parole agent.
- Cursory Search - A cursory search is a more detailed examination to locate any parole violations or threats to the parole agent. The search may include checking in closets, bedrooms, etc.
- Comprehensive Search - An extensive and thorough search of the parolee's residence, any structure situated on the property, or any other property/area as identified by the parole agent. This search is to determine compliance with parole conditions and shall be conducted with more than one peace officer to ensure parole agent safety.

The parole agent shall indicate "plain view search conducted," "cursory search conducted," or "comprehensive search conducted" on the electronic Record of Supervision depending on the type of search that was conducted in the residence.

#### **81020.5.2 Documentation of Type of Contact**

When entering information into the electronic Record of Supervision, the parole agent shall select the appropriate contact type, as defined in section 81020.7.1, from the drop down menu and document the contact in the electronic Record of Supervision.

#### **Americans with Disabilities Act Accommodation Codes**

Select the appropriate Americans with Disabilities Act (ADA) accommodation code from the ADA Accommodation Codes menu.

#### **81020.6 Case Conference Review Policy**

The case conference review is a structured analysis of a case by the parole agent, unit supervisor or designee, and the parolee (if the parolee participates); in addition, other stakeholders may participate, such as the assigned POC clinician, District Administrator, and the parolee's family members or members of the parolee's community support network. The case conference review shall specify factors such as employment, residence, compliance with special conditions, response to supervision, violations, review of the parolee's individual case factors, and progress relating to addressing their criminogenic needs including the CDCR Form 1661, Goals and Progress Reports.

The case conference review is utilized to determine the appropriate supervision level through the collaborative review of the parole adjustment, which includes positive reintegration efforts demonstrated by progress toward achieving goals and the work performed related to addressing criminogenic needs, and to refine the supervision activities on the case. All category changes shall become effective immediately after the case conference review is completed. Case conference reviews shall be conducted based on the following circumstances:

- Change in supervision level (except into or out of categories CP or D).
- Determination of suitable supervision category following completion of category TP.
- Increase in the supervision category.
- On an annual basis.
- When a parolee is retained on parole or there is no action taken by the paroling authority.
- Decrease supervision (abbreviated case conference review).
- Upon the request of the parole agent or upon instruction from the unit supervisor.

#### **81020.6.1 Case Conference Review Procedures**

All case conference reviews shall be conducted utilizing the following process:

##### **Parole Agent**

- The parole agent shall review their caseload roster and/or the electronic Record of Supervision at the end of each calendar month to determine if case conference reviews are due or required for the parolees.
- Schedule the case conference review with the unit supervisor or designee.
- Invite the parolee to participate in the case conference review.
  - Parolee may attend in person, via telephone, or decline to participate in the review.

- Parolee's participation is not required but shall be encouraged.
- Parole agent shall document this notice and the parolee's response on the CDCR Form 1657, Case Conference Review/Discharge Consideration Committee.
- The District Administrator, POC clinician, and parolee support networks may also be included.

- Complete the CDCR Form 1657.
- Determine new goals and tasks for the parolee, and document on a new CDCR Form 1661.
- Check Disability and Effective Communication System (DECS) to determine if the parolee is identified as having any physical and/or mental disabilities pursuant to ADA. If ADA disabilities exist, then the parole agent shall make the necessary arrangements to have reasonable accommodations available for the Case Conference Review.

**NOTE:** If the parolee requires assistance, the parole agent may serve as the designated assistant.

- Provide the following documents prior to the Case Conference Review as instructed by the unit supervisor or designee:
  - CDCR Form 1657.
  - CDCR Form 1661.
  - Any additional relevant documents or information.

#### **Unit Supervisor or Designee**

Utilizing the following process, the unit supervisor or designee shall:

- Review the CDCR Form 1657 and all supporting documents, including the electronic Record of Supervision to determine an appropriate supervision category:
  - Ensure all necessary information/documents are present and completed in the field file.
  - Review and ensure the parole plan, CDCR Form 1661 and all relevant information is being utilized in the case management of the parolee.
  - Review information presented during the case conference review.
  - Sign and date the CDCR Form 1657.

Any noted supervision deficiencies shall **not** be documented on the electronic Record of Supervision, nor shall they be discussed in the presence of other staff or the parolee. Supervision deficiencies shall be addressed in accordance with Chapter 3, Article 22.

#### **81020.6.2 Case Conference Review Collaboration**

The case conference review is conducted collaboratively with the unit supervisor or designee, parole agent, parolee, and additional stakeholders (who choose to participate) as described in section 81020.6.

- The unit supervisor shall meet with the parole agent in person to conduct the case conference review even if the parolee is not present. If the parolee is unable to attend the meeting in-person but has requested to participate telephonically, the parole agent may meet with the unit supervisor or designee prior to the start of the case conference review, and then facilitate the parolee's participation by telephone call.
- Evaluate the case factors, CDCR Form 1657, and any additional information provided by the case conference review attendees.
- Determine the appropriate supervision level based on the case factors and CSRA score.
- The date and time of the case conference review shall be recorded on the electronic Record of Supervision.
- The final results of the case conference review shall be documented on the electronic Record of Supervision.
- Update SOMS with the case conference review date and the new category, if applicable.
- If the change in supervision level occurs on or prior to the 20th of the month, the parole agent shall be responsible for the contact specifications for the new category of supervision.
- If the change in supervision level occurs after the 20th of the month, the parole agent shall be responsible for the contact specifications of the prior level of supervision.

**NOTE:** Case conference review shall not be delayed if the parolee is not present.



**81020.6.3 Case Conference Review Factors**

Case conference review may specify factors including, but not limited to the following:

- Employment.
- Residence.
- Compliance with conditions of parole.
- Response to supervision.
- Patterns of urinalysis testing.
- Individualized supervision goals.
- Addressing criminogenic needs.
- Community relations.
- Support network.
- Community activities.

**81020.6.4 Documenting Case Conference Reviews Procedures**

Parole agents shall use the CDCR Form 1657 for case conference reviews. The review may be either computer generated or handwritten.

**NOTE:** If the CDCR Form 1657 is computer-generated, it must contain an original signature.

**CDCR Form 1657 Section I – Summary of Parole Adjustment****To Be Completed by the Parole Agent:**

- CDC number and parolee's name.
- Last release date.
- Region and parole unit.
- Commitment offense.
- CSRA score and current supervision level.
- Reason for the completion of the form:
  - Abbreviated case conference review.
  - Case conference review, or
  - Discharge consideration committee.
- Five criminogenic objectives which shall be rated with a rating score of 1, 2, or 3.
- The cumulative score for all five objectives shall be totaled, and the appropriate box shall be checked in the "Total Objectives Score" section.
- The totaled score represents the final recommendation for a supervision category.

**NOTE:** This score may be adjusted upward or downward with documented aggravating or mitigating circumstances.

- If the scoring assessment has already been previously completed within the last 60 calendar days on a CDCR Form 1502-DR, Discharge Review Report, the parole agent shall:
  - Transfer the scores from the rating scale onto the case conference review to determine the appropriate supervision level.
  - The parole agent shall attach the completed CDCR Form 1502-DR, checking the box on the CDCR Form 1657 titled, "See Discharge Review Report Dated \_\_\_\_\_," and write the date of the respective report.

**NOTE:** The CDCR Form 1502-DR rating scales determine the discharge or retain suitability. The CDCR Form 1657 case conference review rating scales determine the appropriate supervision level.

- The parole agent shall document the basis for the recommendation in the "Support for Recommendation" box. If the parole agent is referencing supplemental information or reports, the parole agent shall check the box titled "Additional Report Attached", and include the appropriate report.
- The Parole agent shall make a recommendation with regards to supervision category movement.
- The parole agent shall invite the parolee to participate in their case conference review or discharge consideration committee and note the date and method of notification to the parolee. This section is not required to be completed for abbreviated case conference reviews.

- Document if the parolee is present for the case conference review. Check yes or no. If no, cite reason.
- If a reasonable accommodation was provided to the parolee, that accommodation shall be noted.
- Document other participants that were in attendance.
- Parole agent's signature, badge number, and date.

**CDCR Form 1657 Section II – Summary/Certification****To Be Completed by the Unit Supervisor:**

Section II shall be completed by the unit supervisor and shall contain the following:

- Comments and instructions.
- Supervisor's decision.
- Discharge consideration committee results. Only required to be completed for this proceeding.
- Unit supervisor signature, badge number, and date.

**81020.6.5 90-Day Case Conference Review Policy**

The 90-day case conference review is utilized to determine a suitable supervision category following the category TP, review the parolee's adjustment in the community, and review the progress the parolee is making toward their criminogenic needs.

A case conference review shall be conducted as follows:

- Follow all steps described in the "Case Conference Review Procedures" Section.
- For all cases assigned to category TP, a case conference review shall be conducted no earlier than 60 calendar days and no later than 90 calendar days from the parolee's release from custody, release from a residential treatment program, or placement into the category TP.
- The parolee's supervision category may be modified to the appropriate supervision category based upon individual case factors, CSRA score, and criminogenic needs.
- The 90-day case conference review shall not be conducted on parolees in custody assigned to supervision category D.
- All category changes shall become effective immediately.
- EOP cases, on a non-specialized caseload, shall be supervised utilizing category A supervision specifications with a classification code of category EX until the POC clinician determines the parolee is no longer classified as an EOP. The parolee shall then be classified into a supervision category based on their CSRA score and/or the parolee's individual case factors.
  - EOP parolees shall be supervised the same whether they are on a specialized or non-specialized caseload; however, only four EOP cases may be supervised on a non-specialized CPSRM caseload.

**81020.6.6 Annual Case Conference Review Policy**

The annual case conference review shall be completed as follows:

- Follow all steps described in the "Case Conference Review Procedures" section.
- Conduct on all cases except category D cases.
- Complete within 60 calendar days after the anniversary of the:
  - Parole date.
  - Revocation release date.
  - Date of reinstatement.

If a discharge review report is due, the case conference review may be completed simultaneously to, but no later than 60 days after the discharge review; if the recommendation of the unit supervisor or designee is to retain the parolee. If no action is taken, the case conference review shall be conducted within 60 days regardless of the final recommendation of the District Administrator, Parole Agent III, or Parole Agent II (Supervisor).

**81020.6.7 Abbreviated Case Conference Review**

An abbreviated case conference review is conducted when the parole agent recommends a reduction in the supervision level. An abbreviated case conference review may be conducted under the following circumstances:

- The parole agent's recommendation is to reduce the supervision level for parolees who are currently in category A or B.
- Increase supervision level when a parolee is suspected of committing new crimes and is under investigation (parolee's attendance is not required).

**NOTE:** An abbreviated case conference review may not be conducted to reduce the supervision level from category TP or in lieu of the annual case conference review. A full case conference review shall be conducted no later than 90 days after the parolee's initial release and annual review.

An abbreviated case conference review shall be completed as follows:

- Follow all steps described in the "Case Conference Review Procedures" section (**Exception** – The parolee's presence and notification is not required).
- The parole agent shall submit the completed CDCR Form 1657 to the unit supervisor for review and final determination.

#### **81020.7 California Parole Supervision Reintegration Model Case Contact Requirements**

Case supervision requirements are necessary to assist parolees in their rehabilitation and to monitor their activities in the community. The case contacts are derived from the parolee's CSRA score and case factors.

In any instance where the parole agent is unavailable due to vacation, illness or other reasons for a period sufficient to prevent timely field contacts and case reviews, the unit supervisor shall assign those responsibilities to another parole agent, in accordance with the Bargaining Unit 6 MOU.

The contact requirements described in this section represent the minimum contact requirements for parolees assigned to specific supervision categories. Nothing in this section prevents a parole agent from electing to exceed these contact specifications, making additional face-to-face contacts, or obtaining an additional urinalysis test(s), if deemed appropriate.

##### **81020.7.1 Contact Types Defined**

Each case supervision task entails different types of contacts. The type of contacts for each of the following categories described shall be defined as follows:

- **Initial/Comprehensive Interview** – Upon release to the community, the initial/comprehensive interview is the parole agent's initial contact with the parolee to discuss the conditions of parole, conduct intake procedures, and determine the parolee's criminogenic needs. The comprehensive interview shall be conducted by the agent of record.
- **Goals and Progress Report** – Document detailing the criminogenic needs in which the parolee is working on for a particular duration of time. The document is the source document which is utilized throughout the parolee's parole period to track the progress of addressing their criminogenic needs.
- **Home Contact** – The parole agent conducts a home visit at the parolee's residence of record. The home contact should be unscheduled and unannounced unless approved by the unit supervisor in writing. The home contact is conducted to:
  - Ensure the parolee is residing at their residence of record.
  - To become familiar with the parolee's significant others.
  - Continue case management processes.

For transients, a field contact at a location where the parolee frequents or sleeps shall be conducted in lieu of the required home contact.

- **Additional Face-to-Face Contact** – An additional in person contact with the parolee that includes, but is not limited to:
  - Working with the parolee on their criminogenic needs.
  - Conducting a comprehensive search.
  - Facilitating a group.
  - Participating in a community meeting.
  - Contacting the parolee at their residence a second time.
  - Contacting the parolee at their place of employment, the parole unit or in the field.
- **Urinalysis Test** – Conduct a random and unscheduled urinalysis test, if applicable.
- **Significant Collateral** – A significant collateral is a person who has significant knowledge of the parolee. This includes, but is not limited to, an individual who makes up a parolee's support group,

family, friends, neighbors, associates, church members, colleagues, members of social groups, etc. Individuals who play a consistent part in the parolee's life before, during and after parole.

- **Resource Collateral** – A resource collateral is a person, group, or organization which assists the parolee in addressing their criminogenic needs.
- **Law Enforcement Collateral** – Information received from law enforcement that meets the criteria of a significant or resource collateral as stated above may fulfill one of the monthly collateral contact requirements in each supervision level.

#### **81020.7.2 Transition Phase - Case Supervision Requirements**

Upon initial release from custody, a parolee shall be placed in category TP. The following supervision requirements shall be completed within the first month of supervision:

- Initial/comprehensive Interview.
- Issue first CDCR Form 1661.
- One home contact.
- One additional face-to-face contact.
- Urinalysis testing (if required).
- One significant collateral contact.
- One resource collateral contact.

Completion of the Pre Release Video Conference will satisfy the requirement of one significant and one resource collateral contact during the first month after the initial release.

##### **Transition Phase - First Month of Release**

On the first working day after release, or within 48 hours, whichever is earlier:

- Conduct initial face-to-face contact (first working day following release).
- Conduct initial interview utilizing sections I and II of the CDCR Form 1650-B, Initial/Comprehensive Interview. This is normally completed at the parole unit, and may be in conjunction with the initial face-to-face contact.

Within **6 working days** following release, conduct an initial home contact. This contact should be scheduled and include family members.

Within **15 working days** following release:

- The agent of record shall conduct a comprehensive interview, utilizing the CDCR Form 1650-B, Section III. The comprehensive interview may be scheduled in advance. The comprehensive interview may also be conducted during the initial interview if both interviews are being conducted by the agent of record.
- The agent of record shall complete a CDCR Form 1661 and provide a copy to the parolee by the 15th working day following release for cases that are in category TP.

If released on or prior to the **20th** of the month:

- Conduct one random and unscheduled urinalysis test, if required by CDCR Form 1515-Addendum, Special Conditions of Parole (SCOP). The test shall be observed whenever possible. The date the test was taken and all test results shall be recorded on the electronic Record of Supervision.
- Obtain one significant collateral contact.
- Obtain one resource collateral contact. For EOP cases, the resource contact must be with the parolee's mental health treatment provider.

If released after the **20th** of the month:

- The initial interview, sections I and II of the CDCR Form 1650-B, shall be completed on the first working day following release, and the initial home contact shall be completed within six working days following release.
- The comprehensive interview, section III of the Form CDCR 1650-B, shall still be required to be completed within 15 working days following release.

##### **Transition Phase - Ongoing Supervision (Each subsequent calendar month)**

After the first month of placement in category TP, the following specifications shall be completed each subsequent *calendar month* thereafter:

- One unannounced home contact at the parolee's residence of record.
- One additional face-to-face.
- One resource collateral contact.
- One significant collateral contact.
- Urinalysis test (if required).

In the event that the parolee has a break in their supervision while in category TP, the unit supervisor may elect to return the parolee to category TP level of supervision for up to the full specified duration of category TP once the parolee has returned to active supervision in the community.

#### **Case Conference Review - Within 90 Calendar Days**

The case conference review shall be conducted no earlier than 60 days and no later than 90 days from placement into category TP. During the case conference review, the parolee's performance, case factors, and criminogenic needs shall be discussed. The unit supervisor, parole agent, and the parolee (if the parolee attends) shall be included in the case conference review meeting. The parolee shall be notified of the case conference review in writing, verbally, or telephonically and be given the opportunity to participate in the review. The parolee may elect to decline or participate in person or telephonically. The POC clinician and parolee support networks may be included, if applicable (see the Case Conference Review procedure section for more details).

#### **81020.7.3 Category A - Case Supervision Requirements - Each Calendar Month**

Parolees supervised in category A, shall have the following requirements completed each calendar month:

- One unannounced home contact.
- One additional face-to-face.
- One resource collateral contact or one significant collateral contact.
- Urinalysis test – random and unscheduled (if required).
- CDCR Form 1661 (reviewed and issued at each case conference review).

#### **81020.7.4 Category B - Case Supervision Requirements - Each Calendar Month**

Parolees supervised in category B, shall have the following requirements completed each calendar month:

- One unannounced home contact.
- One significant collateral contact or one resource collateral contact.
- Urinalysis test – random and unscheduled (if required).
- CDCR Form 1661 (reviewed and issued at each case conference review).

#### **81020.7.5 Category C and Category CP - Case Supervision Requirements - Every Other Calendar Month**

Parolees supervised in category C and category CP shall have the following requirements completed every other calendar month:

- One unannounced home contact.
- One significant collateral contact or one resource collateral contact.
- Urinalysis test – random and unscheduled (if required).
- CDCR Form 1661 (reviewed and issued at each case conference review).

#### **81020.7.5.1 Category D - Case Supervision Requirements - Each Calendar Month**

Parolees supervised in category D, shall have the following requirements completed each calendar month:

- Collateral contact with appropriate agencies to track status, release dates and other changes. For court cases, collateral contacts must note the next court date or release date. Additional collateral contacts may be required if the next court date occurs within the same calendar month.
- Document findings on the electronic Record of Supervision.
- Provide an updated status of the parolee's court case to appropriate entities.

#### **81020.7.6 Category HC - Case Supervision Requirements – Each Calendar Month**

Parolees assigned to category HC shall require one collateral contact associated with efforts to locate the suspended parolee.

#### **81020.7.7 Enhanced Outpatient Program and Mentally Disordered Offender Case Supervision Requirements and Procedures**

Parolees deemed to be classified as an EOP or MDO parolee shall be placed on an EOP/MDO specialized caseload when there are a minimum of 32 EOP/MDO cases utilizing the EO and MD supervision categories. No more than 40 EO/MD cases shall be assigned to one parole agent. When the parole unit exceeds 40 EO/MD cases, excess cases may be assigned to non-specialized CPSRM parole agents utilizing the EX or MX supervision categories. No more than four EOP/MDO cases shall be assigned to one non-specialized CPSRM parole agent.

All parolees classified as MDO shall be supervised at the same case specifications as EOP parolees, except:

- Those in the custody of DSH.
- Those incarcerated in a county jail.

These parolees shall be supervised at category D case specifications and assigned to CPSRM caseload while assigned to this CPSRM supervision category.

Parolees decertified as MDO shall be classified to an appropriate supervision type and assigned the appropriate supervision category in SOMS, as determined by current DAPO policy.

On the first working day after release or within 48 hours of release, the parole agent shall:

- Conduct an initial face-to-face contact.
- Conduct an initial interview utilizing sections I and II of the CDCR Form 1650-B. This is normally done at the parole unit, and may be in conjunction with the initial face-to-face contact.

Within **3 working days** following release:

The parolee shall be seen by a POC clinician.

Within **6 working days** following release:

The parole agent shall conduct an initial home contact. This contact may be scheduled.

Within **15 working days** following release:

The agent of record shall complete section III of the CDCR Form 1650-B. The comprehensive interview may be scheduled in advance for a later date within 15 working days of release or conducted during the initial interview if both interviews are being conducted by the assigned agent of record.

If released on or prior to the **20th** of the month:

- Conduct one random and unscheduled urinalysis test, if required by the SCOP. The urinalysis test shall be observed whenever possible and the date the test was taken and all positive test results shall be recorded on the electronic Record of Supervision.
- Obtain one resource contact with the parolee's mental health treatment provider. The identity of the person contacted and the information provided by that person shall be documented on the electronic Record of Supervision.

If released after the **20th** of the month:

- Only the initial interview on the first working day of release and the initial home contact within six working days following release shall be required.
- The comprehensive interview shall be conducted within 15 working days following release.

Each calendar month:

- One unannounced home contact.
- One additional face-to-face contact.
- One resource collateral contact (must be with POC clinician).
- One significant collateral contact.
- Urinalysis test - random and unscheduled (if required).
- CDCR Form 1661 (review on a case-by-case basis to determine if parolee is capable of participating in the process).

EOP cases shall remain in category EX or EO while in suspended status and shall require monthly specifications equivalent to that of category HC; if the EX or EO case meets criteria designating them as highest control or risk classification as defined in CCR, Title 15, Division 3.

#### **81020.8 Unusual Circumstances**

In unusual circumstances (e.g., a parolee residing in a geographically remote area, natural disaster), the unit supervisor may establish contact requirements for a specific case that varies from mandated supervision requirements. The reason for such variations shall be documented on the electronic Record of Supervision.

## 81020.9 Residence/Employment Verification Policy

### Pre-Release

An essential part of the parolee's success revolves around the parole agent preparing for the parolee's release. The parole agent must conduct a pre-release residence verification (home visit) after receiving the pre-parole package consisting of the CDCR Form 611, Release Program Study and other supporting documents. The pre-release residence verification shall be scheduled in advance via telephone or a letter to ensure someone will be at the residence at the time the home visit is made. The parole agent must complete the following in anticipation of the parolee's release:

1. **At least 30 days prior to release** - Complete section I of the CDCR Form 2289, Notice and Request for Assistance During Parole Proceeding. To ensure effective communication, search DECS to verify any known disabilities requiring a reasonable accommodation.
2. **Released 30 days or less** - If the inmate is scheduled to be released within 30 days or less upon assignment to the parole agent, the residence verification as described in section 81020.9.1 shall be completed at the initial home contact.
3. **Lifer pre-release residence verification** must be conducted. (The time frame of 30 days referenced above does NOT apply to lifer parolees as they are required to complete the Parole Verification Document within 5 days of receipt, unless expedited, from the Community Transition Program).

### 81020.9.1 Residence Verification

The residence verification is an opportunity for the parole agent to become familiar with the proposed residence of the parolee and to determine if the residence will be an appropriate place for the parolee to reside. Applicable registration requirements, general conditions of parole or SCOP, or potential victim issues shall be taken into consideration by the parole agent. A residence found to be in violation of any applicable condition of parole or statutory requirement shall not be approved. A residence shall be considered for approval as long as it does not cause the parolee to violate their general conditions of parole or SCOP or any other applicable statutes.

### 81020.9.2 Parolee Residence/Employment Verification Procedures

The CDCR Form 1658, Parolee Residence/Employment Verification, shall be completed by the parole agent when conducting the residence verification. The CDCR Form 1658 is a two page document containing five parts. Entries by parole agents shall only be made in black or blue ink and shall be clear and legible.

- Section I – Describes the individuals who reside in the residence.
- Section II – Describes the physical layout of the residence.
- Section III – Includes a diagram of the residence and surrounding property.
- Section IV – Proposed residence and/or employment
- Section V – Additional information regarding the residence or its occupants.

In order to provide uniformity and a clear understanding and meaning of each entry, *only the standard departmental abbreviations shall be used*. No other abbreviations shall be used on the form.

If additional pages are needed, an additional CDCR Form 1658 shall be used. The use of white-out or correction tape is prohibited.

The CDCR Form 1658 shall be kept in the parolee's field file. The original shall remain in the parolee's field file. All forms shall be retained until the parolee is discharged from parole.

### 81020.9.3 Procedure for Completion of CDCR Form 1658

The parole agent shall document the following on the CDCR Form 1658:

- Address of proposed residence.
- Occupant information.
- Identity of the person(s) contacted at the residence.
- The relationship of the person(s) contacted at the residence.
- Identity of the responsible/primary occupant of the residence.

- Name of the owner(s) and/or property manager of the residence and if they are aware of the parolee's status.
- Confirm how long the parolee will reside at the proposed residence.
- Confirm search and seizure provisions were explained to the occupant(s).
- The living area and, if approved by the occupant(s) on pre-parole cases, conduct a cursory inspection of the parolee's proposed personal quarters.
- Any barriers that could preclude access to the front door of the residence and what is needed to overcome those barriers (i.e., obtain access codes, gate keys, etc.).
- All dogs and/or other animals on the property and whether or not they may pose a danger to a parole agent and/or law enforcement officers.
- Any noted concerns with the residence (e.g., gang members, registered sex offenders, safety concerns, etc.).
- Note if residence is compliant with the law (sex offender/victim restrictions).
- Check if the residence is approved or disapproved and, if disapproved, explain why.
- Draw a diagram of the residence and surrounding property.
- A secondary address (only lifer parolees) requires pre-release verification of the secondary address.
- Proposed employment information (only lifer parolees) requires pre-release verification of proposed employment. If the employment plan is not viable, the parole agent shall note the reason why in Section V of the form.

The parole agent shall complete the initial CDCR Form 1658. If the question is not applicable, enter either "N/A" or a slash mark "/". For subsequent CDCR Form 1658 updates, the parole agent is only required to complete those sections requiring updated information or if no updates are required, marking the appropriate box on the form and noting the date of the prior CDCR Form 1658 containing the correct information.

After three updates on the form and/or if no space is available to notate additional changes, the parole agent must complete a new residence verification form to maintain the legibility of the information on the form. For example, if there is a new resident moving in with the parolee, the "update" box may be checked and the date of the change written next to the new information entered.

### 81020.9.4 Change in Residence Verification

Pursuant to the general conditions of parole, a parolee must inform their parole agent about a change in address at least 72 hours before the address change occurs.

Upon receiving notification of a change of address, the parole agent shall:

- Update the address information in SOMS.
- During the next required home contact (depending on supervision category), excluding Residential Multi-Service Center (RMSC), Parolee Service Center (PSC), Female Offender Treatment and Employment Program (FOTEP) residential drug treatment program, homeless shelters, emergency housing accommodations, or other approved exceptions, complete the applicable sections of the CDCR Form 1658. This requires the completion of sections I, II, and III of the CDCR Form 1658. If the residence change involves the parolee's return to a residence for which a CDCR Form 1658 was previously completed for that parolee, the parole agent shall update the prior form, then date and sign the form.

Consistent with the pre-release residence verification process, any subsequent change in residence shall be verified by the agent of record utilizing the CDCR Form 1658, except for a change in residence meeting the following criteria:

- Homeless shelters or other emergency housing accommodations.
- The change in residence is to *homeless* or *transient* status.
- Parolee resides in a residential program (contracted RMSC, PSC, FOTEP, or residential drug treatment program).
- Other approved exemptions as determined by the unit supervisor.

In the aforementioned exceptions, the parole agent shall note on the electronic Record of Supervision, the location of the parolee's room or bed area, any limitations, restrictions, or obstacles that may be present, and with whom the parolee would be residing.

### 81020.9.5 Home Contact Procedures

Unless otherwise approved in writing and documented by the unit supervisor, home contacts shall be random and unannounced to maintain an element of uncertainty and surprise. Although the element of surprise is advantageous to the parole agent, the element of surprise may put the agent in harm's way. The parole agent should remain alert and vigilant at all times for any signs of violations.

Home contacts shall:

- Be conducted at random and unannounced times, unless authorized by a unit supervisor to schedule a home contact in advance (e.g., initial home visit or to sign documents), with the duration varying each time, but lasting approximately 20 minutes.
- Include a walk-through of the entire residence to establish an understanding of the floor plan, who resides within the residence, and where they reside in the residence, if applicable.
- Include a cursory inspection and/or plain view search of the parolee's personal quarters or living area. However, a more comprehensive search of the residence could be planned after conducting a case conference with the unit supervisor.
- Include an inspection of the garage, yards, and any outbuildings, if applicable.

#### **81020.10 Initial and Comprehensive Interview Procedures**

This section describes the procedures for conducting the initial and comprehensive interviews of a parolee following their release from confinement.

##### **81020.10.1 Definition of Initial Interview**

**Initial Interview** - The primary objective of the initial interview is to advise the parolee about their responsibilities while under parole supervision and to determine their case management objectives.

The parole agent shall conduct the initial interview with the parolee within the first working day following the parolee's release and shall document the interview in sections I and II of the CDCR Form 1650-B. The initial interview shall normally be completed in the parole unit and after each release from custody.

Sections I and II of the CDCR Form 1650-B shall be used by the parolee and the parole agent to record the parolee's personal information and the results of the face-to-face interview. The following guidelines shall be adhered to when completing the CDCR Form 1650-B:

- Review DECS to determine if any disabilities exist, or if reasonable accommodations are required.
- Complete the form in its entirety.
- Ensure the document is dated and signed by both the parolee and parole agent.
- Parole agent or the officer of the day shall conduct the initial interview.
- Section I shall be completed by the parolee.
- Section II shall be completed by a parole agent or officer of the day conducting the initial interview.

For the purpose of this section, a release from confinement shall include:

- An initial release from a state prison facility.
- A revocation release from a state prison facility or county jail beyond 60 days.
- A release from local custody, federal custody, DSH or local mental health facility, or from another state's jurisdiction.

Releases subsequent to an arrest for an alleged violation resulting in a "no violation" or "continue on parole" finding shall not constitute a release under this provision. However, releases pursuant to PC Section 1170(a)(3), also known as "Direct Releases," shall be subject to this provision.

##### **81020.10.2 Definition of Comprehensive Interview**

**Comprehensive Interview** - The comprehensive interview is an intensive face-to-face interview with the parolee utilizing motivational interviewing techniques to obtain in-depth knowledge of the parolee. During the comprehensive interview, the agent of record shall:

- Establish a positive rapport with the parolee.
- Inform the parolee of available assistance and services.
- Engage in a discussion with the parolee about their criminogenic needs.
- Reaffirm the parolee's responsibilities while under parole supervision.

The agent of record shall conduct the comprehensive interview with the parolee within **15 working days** of the parolee's release and is only required for parolees:

- After their initial release.
- Released after serving more than 60 days in custody.
- Reinstated on parole after being PAL for longer than 30 days.

The comprehensive interview is not required for parolees being released who are not placed into the category TP after serving less than 60 days in custody, or who are reinstated after less than 30 days in PAL status.

Upon completion of the CDCR Form 1650-B, the officer of the day, agent of record, or support staff shall ensure that the original form is placed into the parolee's field file.

#### **81020.10.3 CDCR Form 1650-B Guidelines**

The initial and comprehensive interview form is comprised as follows:

- CDCR Form 1650-B: Sections I and II, Initial Interview.
- CDCR Form 1650-B: Section III, Comprehensive Interview.

#### **81020.10.4 Guidelines for Entries on the CDCR Form 1650-B**

Each form requires certain information to be recorded. The following guidelines shall be adhered to when completing the CDCR Form 1650-B:

- Parole staff shall record other information as needed.
- Entries shall only be made in black or blue ink.
- Entries shall be clear and legible.
- Only the standard departmental abbreviations/acronyms shall be used to provide uniformity.
- The use of "white-out" or correction tape is prohibited.
- If additional pages are needed, an additional CDCR Form 1650-B shall be utilized.

##### **CDCR Form 1650-B – Section I:**

This section shall be completed by the parolee and used to record specific information about the parolee. This section must be signed, dated, and completed in full by the parolee. Parolees unable to complete Section I may require assistance from DAPO staff.

##### **CDCR Form 1650-B – Section II:**

Section II shall be completed by the parole agent conducting the initial face-to-face interview. Section II certifies the parole agent has reviewed elements of the parolee's field file and/or completed specified tasks, and has advised the parolee of their requirements and/or responsibilities. Section II encompasses a series of check boxes the parole agent must mark as appropriate. The bottom of section II of the CDCR Form 1650-B contains a place where the parole agent shall sign their name, write their badge number, and date the signed form.

##### **CDCR Form 1650-B – Comments Section:**

This section shall be used by the parole agent to record any additional pertinent information.

##### **CDCR Form 1650-B Initial/Comprehensive Interview, Section III:**

The comprehensive interview consists of a series of questions contained within section III of the CDCR 1650-B that the agent of record is required to ask the parolee. The responses are then documented by the agent of record in section III of the CDCR 1650-B.

The parole agent shall utilize motivational interviewing techniques to gain rapport and illicit detailed responses. The questions are designed to determine the following:

- Parolee criminogenic needs.
- Identify barriers to rehabilitation.
- Framework for parolee supervision.
- Family, friends, and support system.
- Utilize motivational interviewing skills to gain rapport.
- Academic, employment, and other needs.

The comprehensive interview shall be completed in its entirety, dated and signed by the agent of record and unit supervisor upon completion.

##### **Comments Section:**

- This section shall be used by the parole agent to record any additional pertinent information.
- Parolee and parole agent signature blocks must be completed.
- The parolee signature block consists of the parolee's signature, CDC number, and date.

- The parole agent signature block consists of signature, badge number, and date.

#### **81020.10.5 Procedure for Conducting an Initial and Comprehensive Interview (Within 15 Days After Release)**

In order to conduct an initial and comprehensive interview, the parole agent shall complete the following process:

- Review the DECS to determine if any disabilities exist, or if reasonable accommodations are required.
- Review and be familiar with the parolee's Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Case Plan.
- Review section I and section II with the parolee for completeness and accuracy.
- Interview the parolee by asking the questions listed in section III of the CDCR Form 1650-B.
- Record the parolee's responses on CDCR Form 1650-B. Document exact responses. If a question is not applicable to the parolee, the agent of record shall write "N/A."
- Review and discuss the general conditions of parole, as noted on the CDCR 1515, Notice and Conditions of Parole and any added special conditions of parole, as represented on CDCR 1515-Addendum.
- If registration has been completed by the time of the comprehensive interview, obtain a copy of any applicable registration for retention in the field file. SOMS shall be updated with the date of registration.
- Explain urinalysis testing instructions.
- Explain the parole grievance policy.
- Explain the parole search policy.
- Explain the case conference review and the parolee's right to participate in a case conference review process.
- Explain the discharge process and the standards that must be met to be considered for a discharge recommendation (if applicable).
- Explain the CDCR Form 1661 process (refer to section 81020.12).
- Sign and date the CDCR Form 1650-B.

#### **81020.11 Abbreviated Interview Policy**

Abbreviated interviews may be used by parole staff when a parolee reports to a parole unit other than the parole unit they are assigned to following release from confinement. For the purpose of this section, a release from confinement shall include:

- An initial release from a state prison facility.
- A revocation release from a state prison facility or county jail.
- A release from local custody, federal custody, DSH or local mental facility, or another state's jurisdiction.

In almost all instances, inmates receive clear reporting instructions prior to release to parole supervision. Occasionally, inmates are released to holds maintained by other agencies and are not provided with clear reporting instructions or are released with insufficient funds to hire transportation to their assigned parole unit. In these instances, offenders may report to the nearest parole unit for assistance.

#### **Documenting the Abbreviated Interview**

The CDCR Form 1650-B, Sections I and II, shall be used by parole staff to record the results of the abbreviated interview. The form shall be dated and signed by the parolee and the officer of the day conducting the abbreviated interview. The form does not have to be completed in its entirety, but enough information shall be provided by the parolee or obtained by the officer of the day to accomplish the objectives outlined in section 81020.10.1. The original form and any supporting documentation shall be forwarded to the agent of record and kept in the parolee's field file pursuant to current policy.

#### **Abbreviated Interview**

If a parolee reports to a parole unit or complex and it is determined that the parolee is assigned to a different parole unit, parole unit staff shall ensure an Abbreviated Interview is conducted.

#### **81020.11.1 Abbreviated Interview Procedures**

##### **Lines of Responsibility**

Parole unit support staff shall:

- Provide the parolee with the CDCR Form 1650-B, Section I.
- Determine the correct assigned parole unit by checking SOMS for parole unit assignment.
- Advise the officer of the day when the parolee has completed section I of the CDCR Form 1650-B.
- Make a copy of the completed CDCR Form 1650-B and CDCR Form 1515, Notice of Conditions of Parole, and provide a copy to the parolee pursuant to the officer of the day's instructions.
- Fax or e-mail a copy of the CDCR Form 1650-B and any supporting documents provided by the parolee to the assigned parole unit.
- Mail the original documents and photograph(s), as appropriate, to the assigned parole unit.
- Process any cash assistance request approved by the unit supervisor.

Officer of the day or parole agent shall ensure:

- The parolee is provided any cash assistance required to facilitate travel to their assigned parole unit.
- The parolee's primary mug shot and left and right profiles are captured utilizing the photo capture station. If the photo capture station is unavailable or cannot be utilized, the officer of the day shall capture photographs, using a digital camera capable of downloading to the photo capture station once it becomes available or operational. A State-issued camera may be utilized if the photo capture station and digital camera are not available.
- The parolee reviews and signs the CDCR Form 1515 and is provided a copy.
- The assigned parole unit is contacted for reporting instructions.
- The parolee is informed of their responsibility to report to their assigned parole unit, as instructed by their parole agent.
- The parolee is provided written reporting instructions including the assigned parole unit's address and complete telephone number on the CDCR Form 1650-B.
- The parolee is provided a copy of the CDCR Form 1650-B, acknowledging receipt.
- The parolee is instructed to provide their parole agent with a copy of the CDCR Form 1650-B and the CDCR Form 1515.
- The abbreviated interview and any results are documented on the Electronic Record of Supervision.
- Support staff is instructed to send the original documents (CDCR Forms 1650-B, CDCR Form 1515, and photographs) to the assigned parole unit via regular mail or upload to the Electronic Records Management System when available.

The unit supervisor shall:

- Review any request for cash assistance and approve as appropriate.
- Ensure support staff and the officer of the day complete assigned tasks in accordance with the abbreviated interview policy.

Parole agent at the assigned parole unit shall:

- Document the actions and receipt of the documents as noted above.
- Conduct an initial and comprehensive interview of the parolee in accordance with the initial, comprehensive, and abbreviated interview policy.

#### **81020.12 Goals and Progress Report Policy**

The parole agent shall use CDCR Form 1661, Goals and Progress Report, to communicate to the parolee specific goals that should be accomplished during a specified period. This document shall be utilized to track the progress of the goals and criminogenic needs in which the parolee is currently working on in the community. Successful completion of the CDCR Form 1661, by the parolee, could be considered a "positive behavior."

##### **81020.12.1 Identifying Criminogenic Needs**

The cornerstone of this process is determining the criminogenic needs and assigning goals to positively impact those criminogenic needs. The criminogenic needs shall be derived from the following:

- Case factors.
- Case plan.
- Parolee's request.

- Parole agent's direct observation.
- Goals in which the parolee are currently working on with an outside entity (i.e., programs, legal mandate, POC clinician, etc.).
- Criminogenic needs identified during the pre-release process by the Parole Planning and Placement Unit in accordance with Article 49.

The criminogenic needs may fall under these categories including, but not limited to, the following:

- Anti-social cognition (aka, anti-social values and thinking).
- Anti-social companion.
- Anti-social personality or temperament.
- Family and/or marital.
- Substance abuse.
- Employment.
- School.
- Leisure and/or recreation.

When engaging in the Goals and Progress Report process, the parole agent shall:

- Issue one CDCR Form 1661 within 15 calendar days of initial release to parole supervision (may issue more frequently as needed).
- Review the CDCR Form 1661 with the parolee during the case conference review, and issue a new CDCR Form 1661 at the conclusion of the case conference review.
  - If the parolee declines to attend the case conference review in person, or if an Abbreviated Case Conference Review is conducted and a new CDCR Form 1661 is generated, the CDCR Form 1661 shall be provided to the parolee within 30 days. If the parolee is reduced to category C or CP at the Abbreviated Case Conference Review, the new CDCR Form 1661 shall be issued at the next face-to-face contact.
- Have a CDCR Form 1661 in progress at all times. (Each time a form is collected a new form must be issued so the parolee may work continually on his or her goals.)
- Collaboratively work with the parolee to select appropriate goals that will assist the parolee in meeting his or her individual criminogenic needs.
- When assigning hours, the parole agent shall:
  - Assign a reasonable number of hours to address the criminogenic needs.
  - Typically, assign 50 to 60 hours per month to address three cumulative criminogenic needs.
- When assigning hours, the parolee's existing time constraints shall be considered.
- Have the parolee sign and date the CDCR Form 1661, acknowledging receipt of the goals.
- Upon issuance, the parole agent shall note the date issued and the due date on the CDCR Form 1661.
- Continuously encourage the parolee to work on their identified criminogenic needs during their period of parole.
- Parolees shall be informed that:
  - Participation in this process is vital to their success on parole, successful reintegration into the community, and ultimate discharge.
  - Failure to address their criminogenic needs may impact their supervision level and the recommendation being submitted for their discharge review.
  - Failure or refusal to participate in this process shall be noted on the CDCR Form 1661 by the parole agent.
- Follow-up with the resource providers.

If the parolee refuses to participate in completing the CDCR Form 1661, it does not relinquish the responsibility of the parole agent to continuously issue a new CDCR Form 1661 during each case conference review while the parolee is on active supervision, or upon learning the parolee did not return a completed CDCR Form 1661 to

the parole agent. The parole agent shall document the parolee's refusal to participate on the electronic Record of Supervision.

#### **81020.12.2 Goals and Progress Report Procedures**

##### **Documenting on the CDCR Form 1661**

When documenting on the CDCR Form 1661, the parole agent shall:

- Document the parolee's current supervision category, name, CDC number, agent of record name, and the month and year the CDCR Form 1661 is to be completed.
- Document when the CDCR Form 1661 was provided to the parolee.
- Document the date the form is to be returned to the parole agent.
- The time frames for completion of goals and return of the form is at the discretion of the parole agent, and may be earlier than the case conference review; however, the time frame for date of issue and date to be returned shall be clearly noted.
- Ensure the CDCR Form 1661 is completed in its entirety.
- Shall be dated and signed by both the parolee and the parole agent.
- Record in the electronic Record of Supervision that a CDCR Form 1661 was issued.
- Ask the parolee if they have any questions.
- Retain a copy of the CDCR Form 1661 in the field file, and provide the parolee with the original.

**CDCR Form 1661 Section I** - Shall be completed by the parole agent. Section I states six specific goals that may be assigned by the parole agent. The goals are as follows:

- Find stable housing.
- Develop job skills or attend school.
- Practice money management, secure Supplemental Security Income or General Assistance, etc.
- Continue to work or look for a job.
- Attend a substance abuse treatment program.
- Attend an anger management class, batterer's program, etc.
- Other (specify).

**CDCR Form 1661 Section II** - Shall be completed by the parolee. Section II includes fillable rows that reflect the following information:

- The date.
- Specific activity or goal.
- Hours spent.
- Contact information for the provider.

**CDCR Form 1661 Section III** - Shall be completed by the parole agent which would reflect the parolee's participation in the CDCR Form 1661. The parole agent shall sign the form upon completion of Section II by the parolee at the end of the period specified on the CDCR Form 1661. The parole agent shall evaluate the parolee's level of participation by selecting from any of the following options:

- Parolee submitted the CDCR Form 1661.
- Parolee failed to submit the CDCR Form 1661.
- Parolee has partially met goals.
- Parolee failed to meet goals.
- Parolee refuses to participate in goals reporting.

#### **81020.12.3 Defining Goals and Tasks**

Once the criminogenic needs have been determined pursuant to Article 49, the parole agent shall work collaboratively with the parolee and set reasonable and attainable goals. When setting goals, the parole agent shall do the following:

- Review the case plan, initial and comprehensive interview, and case factors in the field file, to determine the criminogenic needs to be addressed.
- Make a list of all the identified criminogenic needs for the parolee.
  - Pick the three most urgent, critical, and most impactful criminogenic needs to be addressed.
  - After those needs are addressed, begin working on the criminogenic needs identified in the case plan and/or return to the initial list and begin working on the remaining criminogenic needs.
- Identify the resources available to address the criminogenic needs.
- Determine the goals to address the criminogenic needs.

- Determine exactly what is necessary to address the criminogenic needs.
- Determine tasks to address the criminogenic needs.
- Determine exact tasks the parolee can do to complete or address the goal.
- Locate resources to assist the parolee with the identified goals and tasks to be completed.

#### 81020.12.4 CDCR Form 1661 Issuance Procedures

The intent of the CDCR Form 1661 is to provide a tool for both the parole agent and parolee to use to address and monitor the progress of meeting the parolee's criminogenic needs. The parole agent shall discuss with the parolee:

- Obtain a CDCR Form 1661.
- Identify appropriate criminogenic needs to be addressed during the defined period of time.
  - Locations where they will go to complete the tasks
  - Times and dates when the parolee shall work on the tasks
  - When the parolee is expected to complete the task.
  - Expectation of how and when the parolee shall document the name, date, and telephone number of individuals assisting them with the completion of the tasks.
  - Explain to the parolee they shall return the completed report to the parole agent.

#### 81020.12.5 CDCR Form 1661 Collection and Review Procedures

The parole agent shall monitor the progress the parolee is making on addressing their criminogenic needs. Each time there is face-to-face contact with the parolee, the parole agent shall:

- Ask the parolee to review their CDCR Form 1661.
- Ask the parolee about any challenges they are having completing these goals.
- Provide counsel or an alternative approach if the parolee is having challenges addressing the goals.

Upon the parolee completing the goals/tasks associated with the CDCR Form 1661, case conference review, or sooner the parole agent shall:

- Review the CDCR Form 1661.
- Follow up with the resource providers or individuals who worked with the parolee on their criminogenic needs listed on the CDCR Form 1661.
- Ask the provider what follow-up is needed (if applicable).
- Provide the parolee with rewards and incentives for completing the goals/tasks.

If the parolee did not complete the goals/tasks:

- Review the goals/tasks with the parolee to determine the reason they were not completed.
- Modify, renew, suspend to a later date or omit the goals/tasks based on the following:
  - Case factors.
  - Conversation with the parolee.
  - Professional observation.
  - Reasonableness of the goals/task completion.
- Speak with the outside resource with whom they are working with to determine if a modification of resource is required.
- Evaluate if the parolee requires a shorter duration of time between issuing the CDCR Form 1661 and parole agent follow-up.
- Re-issue the CDCR Form 1661 for a set time.

#### 81020.12.6 Exclusions to the Goals and Progress Reports

This form shall be provided to all active parolees upon release during the first 30 days of supervision, with the exception of the following:

- Category D parolees.
- EOP parolees shall have the CDCR Form 1661 issued at the discretion of the unit supervisor on a case-by-case basis. If the unit supervisor determines that a CDCR Form 1661 is not

required for a parolee designated as EOP, this decision shall be documented on the electronic Record of Supervision.

- EMP.
- MDO.
- Inmate participants in community based programs supervised by DAPO, e.g., ACP.

#### 81020.13 Rewards and Incentives Policy

Rewards and incentives identify the parolees' pro-social behaviors and attitudes and case management progress. A range of rewards and/or incentives can be given to parolees for demonstration of these behaviors and/or attitudes. Incentives are maximized if issued in front of their peers and/or family members. Incentivizing positive behavior and programming can foster pro-social long term behavioral changes in criminal offenders. The rewards and incentives shall be administered in accordance with this policy.

A myriad of incentives shall be utilized by the parole agent in order to reward the parolee for their pro-social behavior. Those incentives shall be provided based upon four qualifying levels of positive behavior. The levels are titled as Level I, Level II, Level III, and Level IV.

The parole agent shall identify positive, pro-social behavior exhibited by the parolee, if possible. If the parolee exhibits positive behavior at a ratio of four positive behaviors to every one negative behavior, or four positive behaviors to no negative behavior, the parolee may be eligible for recognition in order to promote behavioral change.

It is recognized that not every parole agent contact with a parolee will result in an observation of a positive or a negative behavior. Thus, a positive or negative behavior does not have to be noted for each face-to-face or collateral contact. Only those contacts where a positive or negative behavior is discovered shall require annotation. Positive or negative behavior shall be documented in the electronic Record of Supervision with a description of the behavior.

#### 81020.13.1 Examples of Positive and Negative Behaviors

POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
Positive attitude during face-to-face contacts with DAPO staff.	Negative attitude during face-to-face contacts with DAPO staff.
Drug/alcohol free for 30 days as evidenced by a negative urinalysis test result.	Failed to remain drug/alcohol free for 30 days as evidenced by a positive urinalysis test result.
Received positive reports from collateral contacts.	Received negative reports from collateral contacts.
Enrolled, reported, and attended DAPO programs as instructed.	Failed to enroll, report, or attend DAPO programs as instructed.
Displayed a diligent search for gainful employment.	Failed to diligently search for gainful employment.
Remained drug/alcohol free for 60 days as evidenced by a negative urinalysis test.	Failed to remain drug/alcohol free for 60 days as evidenced by a positive urinalysis test.
A period of 60 days without missing any appointments.	Documented history of missed appointments.
Obtained verifiable gainful employment.	Failed to secure a verifiable legal income.
Received positive reports from a teacher/employer/therapist.	Received negative reports from a teacher/employer/therapist.



Observed displaying positive parenting, conflict resolution, stable family relationships, etc., during interactions with the parole agent.	Observed displaying negative or anger management issues during interactions with their parole agent.
Maintained residential stability.	Forced out of placement due to negative behavior.
Remained violation free for a period of 90 days.	Committed any violation of the law.
Maintained residential stability for a period of six months.	Committed any technical violation of parole conditions.
Completed a program related to criminogenic needs.	Failed to participate in a program related to criminogenic needs.
Displayed a complete compliance with their case plan.	Does not appear to accept responsibility for compliance with their case plan.
Completed a school quarter/semester or 30 days regular GED or literacy lab attendance.	
Obtained their GED or high school diploma.	
Completely satisfied restitution order.	
Performed volunteer duty in the community or parole office; i.e., parole office exterior clean-up, weed abatement, car wash.	

#### 81020.13.2 Rewards and Incentives Issuance Procedures

The following are examples of rewards/incentives that may be provided by the parole agent without prior approval of the unit supervisor:

- Verbal recognition.
- Sharing positive comments to family, peers, and support systems.
- Certificate of accomplishment presented by parole agent.
- Community celebration.

The following are examples of rewards/incentives that require unit supervisor approval, prior to issuance:

- Bus tokens, food vouchers, clothing vouchers – Submit a CDCR Form 1509, Financial Aid Loan and Incentive Request.
- Travel permit.
- Reduce reporting requirements – request a case conference review to recommend a supervision category reduction.
- Modification of the CDCR Form 1515 or CDCR Form 1515-Addendum– Early discharge consideration as a reward/incentive shall be processed in accordance with Chapter 8, Article 8.

Any reward or incentive provided to the parolee shall be documented on the electronic Record of Supervision.

The unit supervisor shall:

- Monitor the use of rewards and incentives during the case conference review process. If the unit supervisor believes the parolee has earned a reward or incentive, the unit supervisor shall review the case with the parole agent to identify an appropriate reward or incentive, and direct support staff in preparing incentive letters, certificates, etc.

- Review all requests for consideration of any reward or incentive requiring unit supervisor approval. Any reward or incentive denied or amended by the unit supervisor shall be recorded on the electronic Record of Supervision, stating the reason the request for a reward or incentive was denied or amended.
- Approve CDCR Form 1509, if appropriate and forward to the fund custodian for processing in accordance with existing bank draft, food voucher, and/or bus token processing policy and procedures.
- Approve travel permits as appropriate, and ensure they are processed in accordance with existing policy and procedures.
- Approve modifications to conditions of parole in accordance with existing policy and procedures.
- Discuss the use of rewards and incentives policy during parole unit staff meetings, and provide examples where rewards and incentives may be used to positively influence the parolee's behavior.

#### 81020.13.3 REWARD AND INCENTIVE OPTIONS

BEHAVIORS	INCENTIVES
<b>LEVEL I</b>	
<ul style="list-style-type: none"> <li>• Positive attitude during office/field visit.</li> <li>• 30 days drug/alcohol free.</li> <li>• Positive report from collateral contacts.</li> <li>• Timely enrollment/reporting/attendance (Substance Abuse Treatment and Recovery (STAR), Literacy Lab, POC, parole agent, etc.).</li> <li>• Search for gainful employment.</li> </ul>	<ul style="list-style-type: none"> <li>• Verbal recognition by the parole agent and/or unit supervisor.</li> <li>• Encouraging comments to family, peers, support systems.</li> </ul>
<b>LEVEL II</b>	
<ul style="list-style-type: none"> <li>• 60 days drug/alcohol free.</li> <li>• 60 days without missing appointments.</li> <li>• Obtained verifiable gainful employment.</li> <li>• Volunteer duty in the community or parole office.</li> <li>• Positive report from teacher/employer/therapist.</li> <li>• Pro-social behavior (positive parenting, conflict resolution, stable family relationships, etc.).</li> <li>• Residential stability.</li> </ul>	<ul style="list-style-type: none"> <li>• Verbal recognition by the parole agent and/or unit supervisor.</li> <li>• Certificate of accomplishment presented by parole agent.</li> <li>• Bus token(s).</li> <li>• Food voucher(s).</li> <li>• Clothing voucher/referral.</li> <li>• Travel permit.</li> </ul>
<b>LEVEL III</b>	
<ul style="list-style-type: none"> <li>• 90 days violation free.</li> <li>• 90 days of employment.</li> <li>• Six months stable residence.</li> <li>• Completion of a program related to criminogenic needs.</li> <li>• Complete compliance with case plans.</li> <li>• Completed a school quarter/semester or 30 days regular GED attendance.</li> <li>• Complete GED or obtain a high school diploma.</li> <li>• Satisfy restitution order.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter to parent/significant other.</li> <li>• Reduce reporting requirements.</li> <li>• Modify the SCOP.</li> <li>• Vouchers or gift certificates upon availability.</li> <li>• Early discharge consideration.</li> <li>• Community celebration.</li> </ul>
<b>LEVEL IV</b>	

<ul style="list-style-type: none"> <li>• Successful Discharge.</li> </ul>	<ul style="list-style-type: none"> <li>• Community celebration/recognition.</li> <li>• Certificate presentation.</li> </ul>
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If direct observation is not possible, the urinalysis test shall be documented as an unobserved test.

Staff shall adhere to the following procedures when collecting, packaging, and shipping urinalysis samples to the laboratory. The urinalysis samples being sent to the laboratory for confirmation shall include the security labels provided by the contracted laboratory, and shall be completed by the parole agent who collected the urinalysis sample. The parole agent shall clearly indicate the type of urinalysis tests to be completed. The label shall include the following:

- The date the urinalysis sample was obtained.
- The parolee's name and CDC number.
- The parole unit's identification or billing number.
- The name or initials of the parole agent who collected the urinalysis sample.
- The security seal to be placed on the urinalysis sample bottle.

#### 81020.14 Motivational Interviewing Policy

Motivational interviewing is the cornerstone of CPSRM. It is essential for the parole agent to utilize the motivational interviewing to successfully interact and assist in the rehabilitation of the parolee. Various supervision tools are available to assist the parole agent to ensure that the parolee is compliant with their conditions of parole, and that the parolee is provided with the needed positive direction and guidance to succeed.

Open-ended questions, affirmations, reflections, and summaries help gather information and set the stage for change. Expressing empathy, rolling with resistance, developing rapport, and supporting self-efficacy facilitate productive interaction. Targeting dynamic risk factors helps the parolee make other positive changes. The parole agent shall employ all techniques presented within motivational interviewing.

#### 81021 Urinalysis Testing Program Policy

The purpose of urinalysis testing (previously referred to as anti-narcotic testing) is to detect the presence of prohibited substances used by parolees which allows staff to respond to positive tests with case appropriate sanctions.

Parolees with a narcotics-related conviction within five years of incarceration for their current offense, or who have a history of drug and/or alcohol abuse, may have a SCOP imposed requiring urinalysis testing at the direction of a parole agent. Special conditions of parole to participate in urinalysis testing shall be selected, and shall appear on the Notice of Conditions of Parole and SCOP in SOMS, which shall be forwarded in SOMS to the unit supervisor for approval. The frequency in which urinalysis testing is administered shall be determined by supervision specifications, and/or any imposed SCOP set by the unit supervisor or the court. The urinalysis test is conducted by obtaining an unscheduled (less than 72 hours' notice) urine sample from the parolee. The parole agent may order the parolee to provide a urinalysis sample at any time when there is reasonable suspicion that the parolee has used or is under the influence of a prohibited substance. All confirmed positive urinalysis test results shall be addressed according to current DAPO policy and procedures for technical parole violations.

#### 81021.1 Urinalysis Collection Procedures

Prior to collecting a urinalysis sample, parole agents shall inquire whether or not the parolee is taking any prescribed medication. When the parolee declares they are taking prescribed medication, parole agents shall document the parolee's response on the electronic Record of Supervision and instruct the parolee to provide proof of a current and valid prescription. Upon receipt of a positive urinalysis test, parole agents shall contact the contracted laboratory to inquire if the parolee's utilization of said prescribed medication was the cause of the positive test. This information shall be documented on the CDCR Form 1502, Activity Report, and on the electronic Record of Supervision.

The urinalysis sample shall be taken under observation of a parole agent when possible, where they can clearly observe the flow of urine into the instant test kit. During the collection of the urinalysis sample, staff shall adhere to the following:

- Check the restroom for contraband and conduct a visual search of the parolee's person prior to administering the test.
- Conduct a pat down search when necessary and only when safe to do so.
- Prohibit the parolee from taking anything other than the urinalysis test kit into the restroom.
- The observing parole agent shall evaluate the color and temperature of the urinalysis sample immediately following the test to prevent tampering of the sample.
- In the event that direct observation is not possible due to opposite gender of the parolee and parole agent, further steps may be taken to reduce the chance of manipulation (i.e., no running water or flushing the toilet).

#### 81021.2 Alcohol and Marijuana Testing Policy

Special conditions prohibiting parolees from possession and/or use of alcohol or marijuana shall only be imposed if there is a nexus or it is reasonably related to the parolee's commitment offense, criminal conduct, and/or future criminality.

#### 81021.3 Instant Test Kit Results

Negative Results:

In the event of a negative result, the parole agent shall have the parolee discard the urinalysis sample in the toilet, and discard the instant test kit in a trash receptacle. No further laboratory confirmation is required. The parole agent shall document the urinalysis results on the electronic Record of Supervision.

Presumptive Positive Results:

In the event of an undisputed presumptive positive instant test, prior to disposal of the instant test kit, the parole agent shall also review the CDCR Form 1527, Voluntary Statement of Admission with the parolee and have the parolee complete and sign the form. The parole agent shall have the parolee discard the urinalysis sample in the toilet, and discard the test kit in a trash receptacle. No further laboratory confirmation is required. The parole agent shall adjudicate the presumptive positive test according to Chapter 8, Articles 26 through 33.

In the event of a disputed positive instant test result, or if the parolee refuses to sign the CDCR Form 1527, the parole agent shall prepare the urinalysis sample for laboratory confirmation by completing the identification label and instruct the parolee to place the label on the instant test kit in the parole agent's presence. The instant test kit shall be placed into the individual specimen bag. The parole agent obtaining the urinalysis sample from the parolee is responsible for documentation and placement of the urinalysis sample into the locked urinalysis storage container for confirmation of test results. The parole agent shall document all information on the electronic Record of Supervision.

For disputed urinalysis samples collected in the field, the parole agent shall deposit the urinalysis samples into the locked urinalysis sample storage container upon returning to the parole unit or no later than the next business day.

#### 81021.4 Tracking of Urinalysis Sample and Documentation

The parole agent shall log every sample received by the parolee as follows:

- All urinalysis testing information shall be documented on the electronic Record of Supervision, including collection date, time, location, test kit item number, urinalysis results, and outcome.
- For undisputed positive test results, the parole agent shall ensure the completion of the CDCR Form 1527.
- For disputed positive test results requiring laboratory confirmation, the parole agent shall place the urinalysis sample in the locked urinalysis sample storage container. Upon receipt of laboratory confirmation, the parole agent shall document final results on the electronic Record of Supervision.

#### 81021.5 Locked Urinalysis Sample Storage Container

To ensure the integrity of the urinalysis sample is not compromised in temporary storage, staff shall maintain security of the urinalysis sample from the point of collection and storage to the subsequent transfer to the contracted courier. Each parole unit shall maintain the locked urinalysis sample storage container in a secure location. This shall be in an area where parolees/visitors are not allowed unattended access. Only the unit supervisor shall maintain the key and be granted access to the locked urinalysis sample storage container to facilitate courier pick up.

The labeled and sealed urinalysis sample shall be secured in the locked urinalysis sample storage container. This shall serve to maintain the chain of custody of the urinalysis sample. The transportation bag shall be maintained inside the locked

urinalysis sample storage container. The contracted courier will utilize the transportation bag for transport of urinalysis samples.

#### **81021.6 Transfer of Urinalysis Samples to Vendor**

Upon arrival of the laboratory courier, the unit supervisor shall:

- Remove the plastic transportation bag from the locked urinalysis sample storage container, secure the bag and transfer to the contracted courier. Print the courier's name and sign the CDCR Form 2250, Urinalysis Transfer Log.
- Obtain the courier's signature documenting the date and time of the pick-up on the CDCR Form 2250.
- Place a new plastic transportation bag in the urinalysis sample storage container and lock the container.

#### **81021.7 Documentation of Laboratory Test Results**

The contracted laboratory responsible for analyzing the urinalysis samples shall provide each parole unit with the test results for all submitted urinalysis samples. Upon receipt of the laboratory test confirmation, results shall be logged and maintained. A copy of each individual test result shall be kept in the parolee's field file.

The parole unit support staff shall:

- Maintain one copy of all test results for the parole unit in a central location, accessible to all staff.
- Provide the unit supervisor with one copy of the test results.
- Verify parole agent assignment and provide a copy of the urinalysis test results.

#### **Unit Supervisor**

The unit supervisor shall:

- Ensure parole agents document urinalysis tests on the electronic Record of Supervision.
- Verify urinalysis testing specifications are met during the case conference or abbreviated case conference review process.
- Maintain copies of the CDCR Form 2250 for three years.

#### **81022 Sex Offender Management Program Purpose**

Pursuant to PC Section 3008, CDCR must implement a sex offender parolee management and containment program developed in accordance with the standards established under PC Section 9003. SOMP is a comprehensive program consisting of enhanced supervision; sex offender parolee specific treatment; polygraph use; and victim advocacy, and is intended for the management of all parolees required to register with law enforcement, pursuant to PC Section 290.

All offenders under DAPO supervision convicted of a crime requiring registration under the Sex Offender Registration Act codified in PC Section 290 et seq., shall be supervised in accordance with the SOMP policy. Parole agents assigned to a specialized sex offender parolee caseload shall receive SOMP training prior to the assignment of sex offender parolee cases.

#### **81022.1 Sex Offender Management Program – Supervision Categories**

SOMP consists of five sex offender parolee supervision categories defined in SOMS as follows:

- **ST** - Sex Offender Parolee Transitional Phase.
- **SA** - Highest level of supervision.
- **SB** - Moderate level of supervision.
- **SC** - Lowest level of supervision.
- **SP** - Level of supervision for a parolee in a residential treatment program. Upon recommendation of the parole agent, the unit supervisor may keep a parolee residing in residential treatment at a higher supervision level. The reason for maintaining a higher supervision level shall be documented during the Case Conference Review.
- **SD** - Category designation for all in-custody cases.

#### **81022.2 Sex Offender Management Program – Caseload**

A male sex offender with a Static-99R score of four or greater or a female sex offender parolee with a Female Sex Offender Risk Assessment (FSORA) with a score of "Moderate" or "High" shall be designated as a High Risk Sex Offenders (HRSO) for the purpose of

identifying release to parole supervision. All sex offender parolees required to register pursuant to PC Section 290, shall be assigned to and supervised on specialized caseloads. Sex offender parolee caseloads shall be inclusive of all supervision categories (ST, SA, SB, SC, and SD). In determining the equitable combination of HRSO and Non-HRSO parolees, ST and SA supervision levels shall be considered HRSO cases for the purpose of supervision level identification only. Cases designated SB, SP, and SC shall be considered Non-HRSO for the purpose of supervision level identification only. Sex offender parolee caseload ratios shall be determined pursuant to the Bargaining Unit 6 MOU.

In SOMS, the supervision level selected for offenders in Pre-Release status shall be "ST."

The Parole Agent II (Supervisor or Specialist) shall be assigned to carry a sex offender parolee caseload at 25 percent of the average parole agent workload within the parole unit. The caseload should be proportionate to the equitable breakdown of cases by category being supervised within the parole unit. Sex offender parolee caseloads shall consist only of the aforementioned supervision categories with the exception of special circumstance cases approved by the DAPO Director to be monitored with GPS technology. Special circumstance GPS cases shall be designated as "GT" in SOMS and shall count as part of the caseload. Contact requirements for "GT" cases are outlined in current policy.

Beginning on the first of each month, the unit supervisor shall utilize the Parole Unit Workload Summary Report to review and adjust the assigned workload for each parole agent on a weekly basis. Upon review, the unit supervisor shall attempt to balance the workload and maintain an equitable mix of categories on each caseload.

When a parole unit has an excessive workload, excess cases shall be assigned equitably. The unit supervisor shall make every effort to distribute pre-parole and Transfer Investigation Request (TIR) cases equitably, taking into account geography and current workload. Exceptions may be considered under any of the following criteria:

- Rural caseloads requiring excessive vehicle travel to complete supervision specifications.
- Urban caseloads in an area with regular traffic congestion.
- Caseloads in areas where inclement weather conditions result in modified driving conditions such as chain requirements.
- Parole agents currently participating in the apprenticeship program.
- Other reasonable circumstances.

#### **81022.3 Sex Offender Management Program – Releases**

Pursuant to PC Section 3010.10, a person who is required to register as a sex offender pursuant to PC Section 290 as a condition of parole, shall report to his or her parole agent within one working day following release from custody or as instructed by a parole agent, to have an electronic GPS device affixed to his or her person. Initial contact shall not exceed two days from the date of release.

All sex offender parolees who are initially released on parole or any sex offender parolee that is initially supervised on a non-sex offender parolee caseload then transferred to a sex offender parolee caseload shall be classified at the transitional level of supervision, "ST." The classification shall remain "ST" until required assessments are conducted by the contracted sex offender therapist or the supervision level is adjusted in conjunction with a Containment Team meeting.

Sex offender parolees released after a minimum of 90 days in custody shall be classified as "ST." The classification shall remain "ST" until thorough assessments are conducted in conjunction with a Containment Team meeting.

If the sex offender parolee remains in custody less than 90 days following arrest, the case may be reclassified by completing a new CDCR Form 3043, Sex Offender Management Program, Containment Team Meeting/Discharge Consideration Committee, or may be returned to the most recent supervision category. If the sex offender parolee remains in custody for 90 days or longer, the case shall be reclassified as "ST" upon release.

#### **81022.4 Sex Offender Registration**

Sex offender parolee agents shall ensure all sex offender parolees register in accordance with the Sex Offender Registration Act.

Any sex offender parolee required to register as a sex offender as prescribed in the Sex Offender Registration Act shall be relieved of this requirement only upon receipt of a Certificate of Rehabilitation or a pardon, unless that person has been declared a Mentally Disordered Sex Offender.

The sex offender parolee agent shall verify sex offender registration by obtaining a copy of the registration receipt for placement into the field file and by entering the date of registration into SOMS.

If the sex offender parolee fails to register as required, the sex offender parole agent shall case conference the violation with the unit supervisor and if necessary, determine an appropriate action in accordance with the current DAPO policy (e.g. remedial sanction, petition for revocation, filing charges with the local District Attorney).

#### **81022.5 Obtaining Static-99R and Female Sex Offender Risk Assessment and/or California Static Risk Assessment Scores**

The Static-99R and FSORA are screening tools used to determine risk level for sex offender parolees who are required to register as a sex offender. The Static-99R shall be utilized to assess adult male sex offender parolees, while adult female sex offender parolees shall continue to be assessed through the use of the FSORA. Any sex offender parolee who does not have a completed Static-99R or FSORA shall be supervised as an HRSO on a GPS caseload, pending the receipt of a completed Static-99R or FSORA.

The Static-99R and FSORA instruments are completed by DAPO's Community Transition Program (CTP) staff and displayed in the COMPAS database. The parole agent shall use the most recent score displayed in COMPAS to apply to the Classification Scoring Sheet.

In circumstances where a Static-99R or FSORA does not exist for a pre-parole or sex offender parolee on parole supervision (i.e., court walkovers, parolees with imminent release dates, "R" numbers), the unit supervisor or parole agent shall request a Static-99R or FSORA assessment within five working days of discovery that no assessment exists.

To obtain a Static-99R or FSORA, submit a request via electronic mail to Static99Request@cdcr.ca.gov, and include the first and last name of the parolee, the CDC number, and the region where the sex offender parolee is located, if appropriate.

Sex offender parolees shall be re-scored for a new Static-99R or FSORA score when the following circumstances occur:

- Whenever the parolee is returned to state prison on a new term.
- Whenever the parolee is returned to county jail for a parole violation or new criminal charge that is sexual in nature\* regardless if the violation is ultimately dismissed.
- Whenever substantial aggravated or mitigating circumstances are discovered which were not already captured on the previous Static-99R or FSORA screening.

\*Sexual in Nature – Any officially recorded sexual misbehavior or criminal behavior with sexual intent that results in a return to county jail.

Requests for re-screening of Static-99R or FSORA scores shall be sent to Static99Request@cdcr.ca.gov and include a detailed description of the violation and/or new local charge(s) or a copy of the violation or police report, if the information is not available in the Parole Violation Disposition Tracking System (PVDTS). If the information is available in PVDTS, CTP staff shall access PVDTS to obtain the arrest/violation information and re-score the Static-99R or FSORA. The CTP supervisor has the authority to decline to rescore for a new Static-99R or FSORA if the violation resulting in the request was a revocation only for possession of sexually explicit material depicting adults. If the sex offender parolee is returned to prison for a new term, they shall be reassessed pursuant to Article 49. No request shall be necessary.

#### **81022.6 Sex Offender Management Program – Court Walkovers**

Prior to being placed on an active sex offender parolee caseload, sex offender parolee court walkovers shall have an active CDC number issued to them as outlined in current DAPO policy.

#### **81022.7 Sex Offender Management Program – Interstate Compact Sex Offenders**

##### **“R” Numbers**

A Static-99R or FSORA shall be completed for all Interstate Compact sex offender parolee cases that are referenced by an "R" number and pending referral to a parole unit for a TIR. Prior to the TIR, the Interstate Compact Unit (ICU) shall provide all appropriate documentation to CTP for staff to complete a Static-99R or FSORA. Once the Static-99R or FSORA is completed, the ICU shall forward the TIR to the parole unit for investigation. If the TIR is denied by the

parole unit, the ICU shall maintain a copy of the Static-99R or FSORA for future referrals on the same case.

##### **“I” Numbers**

Cases that have been previously accepted for supervision in California and issued an "I" number without a completed sex offender risk assessment shall require a Static-99R or FSORA. Requests shall be directed to the ICU. The ICU shall obtain all appropriate documentation and provide it to CTP for staff to complete a Static-99R or FSORA within five working days of the request. CTP staff shall have five working days to complete the Static-99R or FSORA assessment and return the results back to the requestor via electronic mail. Any sex offender parolee entering into California for parole supervision shall be supervised at the level of "ST" until a thorough risk assessment is conducted in conjunction with Containment Team meetings.

#### **81022.8 Sex Offender Management Program – Strategic Offender Management System**

A sex offender parolee's supervision level may be increased or decreased depending on the sex offender parolee's status following release from custody, Containment Team meetings, and/or following an arrest. As classifications are changed, the unit supervisor shall ensure the sex offender parolee's supervision category is promptly updated in SOMS.

#### **81022.9 Sex Offender Management Program – Residence Restrictions**

All parolees, including Interstate Compact transfers, who are convicted of a crime listed in PC Sections 290 through 290.024, inclusive, may be subject to residency restrictions and transient requirements on a case-by-case basis. Parole agents shall ensure that applicable residency restrictions for sex offender parolees subject to parole supervision are imposed and adhered to. Parole agents shall impose residency restrictions in accordance with applicable California statute and in accordance with SCOP that meet the requirements set forth in *People v. Lent* (1975) 15 Cal.3d 481, 486. However, local ordinances shall not be enforced since State law overrides local ordinances.

##### **Residence Declaration**

The responsibility to locate and maintain compliant housing shall ultimately remain with the sex offender parolee through utilization of available resources.

During the course of the initial interview and prior to all subsequent changes of residence, the sex offender parolee shall provide the parole agent with the address where they propose to live. The sex offender parolee shall not be allowed to reside at any residence until such time as the parole agent has verified it is compliant with any law or SCOP. The parole agent shall conduct a residence verification check utilizing a GPS handheld device, in accordance with this article. If it is determined that the intended residence is not in compliance, the parole agent shall advise the sex offender parolee of the non-compliant status. The sex offender parolee shall be required to immediately provide a compliant residence or declare themselves transient.

##### **Residency Restrictions for Sex Offender Parolees**

Residency restrictions for PC Section 3003.5(b) shall not be enforced as a blanket restriction. All residency restrictions that do not apply to PC Section 3003(g) will be placed on a case-by-case basis and supported by the particularized circumstances of each individual parolee (*In re Taylor* (2015) 60 Cal.4th 1019).

##### **Residency Restrictions Pursuant to Penal Code 3003(g)**

Parole agents shall be responsible for ensuring all HRSOs with a commitment offense of PC Sections 288 or 288.5 are subject to the provisions of PC Section 3003(g).

Male sex offender parolees with a Static-99R score of four or greater and female sex offender parolees with a FSORA score of "Moderate" or "High" shall be designated as a HRSO for the purpose of identifying specific residence restrictions.

Notwithstanding any other law, an inmate who is released on parole for a violation of PC Sections 288 or 288.5 whom CDCR determines to pose a high risk to the public shall not be placed or reside for the duration of their parole period within one-half mile of any public or private school, kindergarten, and grades 1 to 12, inclusive.

##### **Residency Restrictions Pursuant to Penal Code 3003.5(a)**

Pursuant to PC Section 3003.5(a), all registered sex offender parolees shall not reside in a single family dwelling with any other registered sex offender, whether or not that registered sex offender is on parole, unless the offenders are related by blood, marriage, or adoption.

A single family dwelling shall be defined as a residence, unit, or room intended to be used by one family. This shall include, but is not limited to: houses designed for one family, single units of a duplex or multiplex housing unit, dwellings

subdivided into more than one unit if each unit is fully self-contained (e.g., own bathroom and kitchen area), and a single unit in a multi-unit apartment complex, hotel, motel or inn, or a mobile or motor home occupying a single, self-contained space in a trailer park, recreational vehicle, or other similar facility.

#### **Address Verification Prior to a Change in Residence**

Prior to allowing a sex offender parolee to reside at a proposed residence, the parole agent must confirm the residence is in compliance with the applicable SCOP. This shall be done utilizing the GPS handheld device to determine the exact distance from the proposed residence to the nearest excluded location. The distance shall be noted on the electronic Record of Supervision.

#### **Residential Facility**

DAPO shall use the following criteria to define the term "residential facility" as used in PC Section 3003.5(a). Parole agents shall ensure any "single family dwelling" that houses between two and six sex offender parolees shall meet the criteria of a "residential facility" as defined in this section. This will only apply to "single family dwellings determined to be a residential facility" that house six or fewer sex offender parolees who are required to register pursuant to PC Section 290, et seq.

The term "Residential Facility" shall include:

- Facilities licensed as a Residential Facility by the Department of Social Services.
- Facilities licensed as Sober Living or Clean and Sober Program by the Alcohol and Drug Programs.
- Facilities licensed as Residential or Sober Living by other State or Federal agencies, such as the Veteran's Administration.
- Unlicensed Residential or Sober Living facilities provided that a number of services, are made available as a condition of occupancy.
- Transitional Housing provided that a number of services are made available as a condition of occupancy.

In order to qualify as an unlicensed or transitional facility, program services shall be a requirement and structured throughout the duration of the participant's stay. Requirements will encompass a minimum of ten hours per week for unemployed sex offender parolees and two hours per week for employed sex offender parolees. Requirements may be modified on an as-needed basis with the consent of the Agent of Record. Services can be provided on-site or referred to an off-site service provider licensed or authorized to provide the service.

In order for an unlicensed residential facility to be considered for use by DAPO, the following requirements shall be met by the facility owner/manager:

- Each facility shall be required to clearly post in a conspicuous place, the house rules regarding noise, curfew, visitors, and contraband possession.
- Each facility shall make available to the sex offender parolee residents a minimum of four services.
- Each facility shall adhere to all local, State, and Federal fire marshal requirements with posted emergency exit routes and meet standards required by the ADA.

Each facility shall be properly maintained, including vector control, and must allow full access by DAPO staff at any time for purposes of inspection and possible searches of parolee and common areas.

Any unlicensed residential facility that fails to meet the above standards shall not be utilized for the purposes of housing sex offender parolees until such time as they are compliant with these standards.

#### **Factors That May Qualify For Exclusion**

A request for a waiver of the residency restrictions may be made under the following circumstances:

- The sex offender parolee is mentally ill and housed in a licensed mental health facility.
- The sex offender parolee is in need of medical care in a licensed medical facility with 24-hour care.
- The sex offender parolee is developmentally delayed and housed in a licensed assisted living facility with 24-hour supervision.

To initiate a waiver, the parole agent may request that the sex offender parolee's licensed care provider provide them with a report outlining the basis and recommendation for placement. For those sex offender parolees located in a medical facility where the parole agent is unable to secure a report from the licensed care provider, the parole agent may conduct a face-to-face interview with the sex offender parolee and physician to verify the need for a medical placement waiver. In such a case, the parole agent must clearly articulate the circumstances of the placement and request for exclusion.

The parole agent shall review all documents received, ensuring they address the medical or mental health condition and the requested exclusion. If the documents appear complete, the parole agent shall conduct a case conference with the unit supervisor and provide a recommendation. This review shall be documented on the electronic Record of Supervision.

The parole agent shall monitor the sex offender parolee for any changes which may void the decision to grant the waiver. Upon discovering that the sex offender parolee no longer meets the criteria under which the exclusion was granted, the parole agent must immediately case conference with the unit supervisor to determine whether the exclusion should be rescinded or modified.

If it is determined that an exclusion appears appropriate, the unit supervisor shall prepare an exclusion request utilizing a CDCR Form 2193, Request for Residency Exclusion/ Global Positioning System (GPS) Modification or Exclusion addressed to the Director of DAPO or designee, detailing the circumstances which preclude the sex offender parolee from residing in compliant housing. The exclusion form, as well as any supporting documentation, shall be forwarded to the District Administrator for approval/denial.

The District Administrator shall review the request for exclusion. Approved requests shall be forwarded to the Regional Parole Administrator (RPA) for approval or denial. If the request is denied, the exclusion form shall be returned to the sending unit for retention in the field file.

The RPA shall review the request for appropriateness. Approved requests shall be forwarded for review by electronic mail to the Director, via the DAPO Sex Offender Unit (SOU) at CDCR DAPO SVP-HRSO. Additionally, the RPA or representative shall track all requests that have been forwarded to the Director or designee. If the Director or designee approves the request, the RPA shall ensure the sex offender parolee's status is reviewed every 90 days by the unit supervisor for any changes that may impact the continued exclusion from compliant housing.

#### **Residence Defined**

The definition of a residence as defined in PC Section 290.011(g) shall be the minimum standard in determining residency. Pursuant to PC Section 290.011(g), "residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including but not limited to houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

The following factors, including but not limited to the following, may substantiate that a sex offender parolee has established a residence:

- The sex offender parolee stays one day or night at the same address every week for multiple consecutive weeks, thus establishing an apparent pattern of occupancy.
- The sex offender parolee stays two or more consecutive days or nights at the same address, or two days or nights at the same address in a period that would appear to establish a pattern of occupancy.
- The sex offender parolee is in possession of a key to an address where they have stayed and there is evidence of an apparent pattern of occupancy.
- The sex offender parolee receives mail at an address where they have stayed and there is evidence of an apparent pattern of occupancy.
- Contacting the sex offender parolee at an address where they are located or had been staying, and evidence exists they have established residency. Evidence would include, but is not limited to, clothing in a closet or drawer, toiletries in the bathroom, or information from occupants, neighbors, or other reliable sources. Such evidence could establish a pattern indicating establishment of residency.

In an effort to determine whether a residence has been established, the parole agent shall utilize all available resources and information. The parole agent shall evaluate the totality of circumstances to determine compliance of the residence. If the totality of the circumstances clearly indicates residency has been established and a reasonable and prudent parole agent reviewing the same information would draw a similar conclusion, then a residence has been established.

**Transient Status Defined**

For purposes of this policy, "transient" and "homeless" shall be used interchangeably. "Transient" is defined in PC Section 290.011 as a person who has an obligation to register as a sex offender and who has no residence.

When the parole agent determines that a sex offender parolee is transient, the parole agent shall:

- Inform the sex offender parolee of the transient sex offender registration requirements pursuant to PC Section 290.
- Instruct the sex offender parolee to charge the GPS device in accordance with charging directions issued by the parole agent. In addition, transient parolees shall be given the opportunity to charge their GPS devices in the parole unit any time they report in person.

Some locations where transient sex offender parolees stay may not meet the statutory definition of a "residence"; however, the parole agent may still impose a SCOP to restrict the proximity of the transient sex offender parolee to schools, parks, or other areas where children congregate if the SCOP meets the requirements of *People v. Lent*.

For transient sex offender parolees who establish a residence and are required to register, there is no violation until expiration of the five business day period after the residence has been established. If a transient sex offender parolee establishes a residence but vacates prior to the expiration of the five-day period, the act shall not be considered a violation of the registration requirement and the requirement to re-register at that address no longer exists. However, the act of vacating an established residence prior to the expiration of the five business day period shall not be utilized or manipulated in such a way as to circumvent the statute or as a means by which to avoid registration, in the event the sex offender parolee is utilizing multiple residences.

**81022.10 Sex Offender Management Program – Parolee-at-Large Cases**

A sex offender parolee who becomes unavailable for supervision shall have a warrant request submitted pursuant to current DAPO policy. Unless the case is referred to and accepted by the Office of Correctional Safety (OCS), the designated supervision category shall remain unchanged until the sex offender parolee is apprehended. Upon issuance of a warrant, the respective case shall be referred to the California Parole Apprehension Team and/or OCS pursuant to current DAPO policy. Cases referred to OCS shall use the "OS" supervision category in SOMS.

For cases that remain assigned to the supervising parole unit, the parole agent shall continue to make efforts to locate all assigned PAL cases. These efforts shall include at least one collateral contact per month, which shall be documented on the electronic Record of Supervision. For caseloads at or above the designated ratio as defined in the MOU and when workload is associated with attempts to locate a sex offender PAL, current policy for authorizing overtime and/or modifying case supervision specifications shall apply. PAL cases remaining on a SOMP caseload shall have a case review every 90 days.

**81022.11 Sex Offender Management Program – Monthly Contact Requirements**

The SOMP monthly contact requirements are outlined as follows:

CATEGORY	FACE-TO-	COLLATERAL	URINALYSIS	OTHER	SEX OFFENDER TREATMENT
CATEGORY ST TRANSITIONAL PHASE	<p>Initial home visit completed within <b>six</b> working days after release from custody.</p> <p><b>Two</b> unannounced home visits.</p> <p><b>One</b> additional unscheduled face-to-face contact at the parole agent's discretion.</p> <p><b>Transients:</b></p> <p><b>Two</b> unscheduled face-to-face field contacts; and</p> <p><b>One</b> additional face-to-face contact, location of contact at parole agent's discretion.</p>	<b>Two</b> Significant Collateral contacts.	<b>One</b> random and unscheduled UA (if required).	<p>Initial contact shall be <i>within one working day</i> following release from custody or as instructed by a parole agent, to have an electronic GPS device affixed to his or her person. Initial contact shall not exceed two days from the date of release.</p> <p>Initial interview within first working day following release.</p> <p>Comprehensive interview within 15 working days following release.</p> <p>Case Review no later than 30 days after being placed into the ST category. Case Review not required if not completed by 30th day and the parolee has been referred to the court for revocation or deferred for local adjudication.</p> <p>Initial Containment Team meeting within 90 days of release.</p>	<p>Upon initial release to parole supervision or for cases not previously in treatment: Refer (with full referral packet) to the contracted Sex Offender Treatment Program within five working days.</p> <p>Upon rerelease to parole supervision for cases previously in treatment, complete and send a CDCR Form 1502 with updated documentation to contracted Sex Offender Treatment Program at initial interview.</p> <p>Submit a signed Authorization to Release/Obtain Confidential Information and Polygraph Examination Consent Interview forms to the parole agent/unit supervisor within 15 calendar days of providing services.</p> <p>Initial Intake Screening/Assessment to the parole agent/unit supervisor within the first 30 calendar days following referral.</p>

CATEGORY SA HIGHEST	<p><b>One</b> unannounced home visit.</p> <p><b>One</b> additional unscheduled face-to-face contact at the parole agent's discretion.</p> <p><b>Transients:</b></p> <p><b>Two</b> unscheduled face-to-face field contacts; and</p> <p><b>One</b> additional face-to-face contact, location of contact at parole agent's discretion.</p>	<p><b>One</b> significant collateral contact.</p> <p><b>One</b> resource contact related to criminogenic needs and/or sex offender treatment.</p> <p><b>One</b> law enforcement contact within six months after release from custody and within every six months thereafter.</p>	<p><b>One</b> random and unscheduled UA (if required).</p>	<p>Containment Team meeting within six months following the date of assignment to category SA.</p> <p>Unannounced search within the first six months of release and annually thereafter.</p>	<p><b>Two</b> Polygraphs in the 1st year of treatment and <b>one</b> in the 2nd year of treatment, forwarded to the parole agent/unit supervisor within 15 calendar days.</p> <p><b>One</b> individual therapy session a month, no less than 50 minutes long. Initially upon release, a minimum of <b>two</b> group therapy sessions per week, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the parole agent/unit supervisor, the number of therapy sessions can subsequently be reduced or increased.</p> <p>A Monthly Electronic Progress Report to be submitted to the parole agent/unit supervisor on or before the last day of the month.</p> <p>A treatment plan to be submitted to the parole agent/unit supervisor within 90 calendar days following initial intake.</p> <p>Discharge Assessment submitted to parole agent/unit supervisor within 30 calendar days after discharge.</p>
CATEGORY SB AND CATEGORY SP MODERATE	<p><b>One</b> unannounced home visit.</p> <p><b>Transients:</b></p> <p><b>Two</b> unscheduled face-to-face contacts.</p>	<p><b>One</b> significant collateral contact or</p> <p><b>One</b> resource contact.</p>	<p><b>One</b> random and unscheduled UA (if required).</p>	<p>Containment Team meeting within six months following the date of assignment to category SB/SP.</p> <p>Annual unannounced search.</p>	<p><b>Two</b> polygraphs in the 1st year of treatment and <b>one</b> in the 2nd year of treatment forwarded to the parole agent/unit supervisor within 15 calendar days of polygraph.</p> <p>A Monthly Electronic Progress Report to be submitted to the parole agent/unit supervisor on or before the last day of the month.</p> <p><b>One</b> individual therapy session a month, no less than 50 minutes long.</p> <p>A maximum of <b>four</b> group therapy sessions per month, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the parole agent/unit supervisor, the number of therapy sessions can subsequently be reduced or increased.</p>



CATEGORY SC	<p><b>One</b> unscheduled face-to-face contact.</p> <p>(At a minimum, the face-to-face contact must occur at the parolee's residence every other month).</p>	<p><b>One</b> significant collateral contact</p> <p>or</p> <p><b>One</b> resource contact every other calendar month.</p>	<p><b>One</b> random and unscheduled UA (if required).</p>	<p>Containment Team meeting within 12 months following the date of assignment to category SC.</p> <p>Annual unannounced search (optional).</p>	<p><b>One</b> individual therapy session a month, no less than 50 minutes long.</p> <p>A maximum of <b>four</b> group therapy sessions per month, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the parole agent/unit supervisor the number of therapy sessions can subsequently be reduced or increased.</p>
CATEGORY SD CUSTODY	N/A	N/A	N/A	<p>Upon the arrest of a sex offender parolee on active parole supervision <b>and</b> following the unit supervisor referral for revocation or deferral of charges to the court</p> <p>Active cases pending Sexually Violent Predator (SVP) screening shall be designated "SD" while the offender is in custody, and reclassified as "ST" upon release.</p>	N/A

Supervision contact requirements shall be accomplished within each calendar month and shall be documented on the electronic Record of Supervision.

If the sex offender parolee is released after the 20th of the month, only the initial contact (first working day or within 48 hours), initial interview (first working day), and initial home visit (within six working days of release), shall be required during that calendar month. In some cases, depending upon the parolee's release date, minimum contact requirement time frames, such as the initial home visit, may carry over to the following calendar month.

#### Home Visits/Face-to-Face Contacts

Face-to-face contacts shall include an unannounced visit at the sex offender parolee's residence of record, place of employment, treatment program, community meetings related to criminogenic needs as determined through a risk/needs assessment, contact initiated by GPS related data, and/or other location(s) specified by the unit supervisor.

If the sex offender parolee is transient, face-to-face contacts shall be in the field. For transient parolees, at least one face-to-face contact shall be conducted at the location where the parolee sleeps at night as determined by GPS data. For all other required face-to-face contacts, the parole agent has discretion on the field location of the contact to include, but not be limited to, seeing the sex offender parolee at his or her place of employment, treatment program, community meetings related to criminogenic needs, or as directed by the unit supervisor. One additional face-to-face contact at the parole agent's discretion shall be conducted per calendar month while the sex offender parolee is transient. The parole agent may conduct a case conference with the unit supervisor to determine what type of field contact would be most effective and/or beneficial to the supervision of the transient sex offender parolee. Transient sex offender parolees shall not be classified as "SC" due to the dynamic case factors governing residential stability.

#### Significant Collateral/Resource Contacts

Significant collateral contacts are contacts or interactions with a person(s) who has knowledge of, or interest in, a sex offender parolee's performance or activities while in the community. Significant collateral contacts could include, but are not limited to individuals who make up the sex offender parolee's support group, family, friends, neighbors, associates, church members, colleagues, or members of social groups. The contact can include local law enforcement and can be conducted in person, by telephone, in writing, or electronically. For

the purpose of the SOMP, significant collateral contacts may also be conducted within the scope of the Containment Team meetings.

Resource contacts consist of communication with people who are associated with a community based program, agency, or service, or are frequently involved at the facility where the sex offender parolee is currently receiving services, for the purpose of developing resources related to the sex offender parolee's criminogenic needs. Communication can be in person, by telephone, in writing, or electronically transmitted. For the purpose of the SOMP, resources related to criminogenic needs may include, but are not limited to sex offender treatment, psychological and/or psychiatric services, substance abuse treatment, and/or vocational/educational programs, and may be included in the Containment Team meetings.

When recording collateral contacts on the electronic Record of Supervision, indicate if the collateral contact is a Significant or Resource contact.

#### Community Partnership Meetings

Community partnership meetings are an integral part of community supervision and a valuable tool in keeping representatives from parole, local law enforcement agencies, treatment providers, victim advocates, and other stakeholders involved in the supervision and containment of sex offender parolees. Community partnership meetings are purposeful in exchanging up-to-date information regarding a sex offender parolee's status (residence, stability, employment, view of the offense, amenability to treatment, etc.), highlighting a sex offender parolee's unique offending history, modus operandi, victim targets, supervision plan, and other related information. At each community partnership meeting, the parole agent shall provide accurate sex offender profile reports outlining the sex offender parolee's history and the facts and circumstances surrounding the sex offense(s). The unit supervisor shall ensure a community partnership meeting is scheduled each calendar quarter and in such a manner and location to attain the largest possible attendance.

#### 81022.12 Sex Offender Management Program – Initial and Comprehensive Interview

The DCDR Form 1650-B, Sections I and II, shall be completed by a parole agent no later than the first working day following the release of all sex offender parolees and shall include a review of the sex offender parolee's SCOP. Section III shall be completed by the parole agent of record within 15 working days following the release of the sex offender parolee. Section III, as it relates to sex offender parolee supervision, is considered a guide for parole agents to establish positive rapport with their sex offender parolees and to gather information to be presented as part of the first Containment Team meeting.

The parole agent shall ensure that any SCOP related to the sex offender containment model are reflected with the appropriate nexus within the SOMS, SCOP function.

#### **81022.13 Sex Offender Management Program – Contracted Sex Offender Treatment Referral**

All sex offender parolees initially released to parole supervision shall be referred by the parole agent to a CDCR contracted sex offender treatment program by completing a CDCR Form 1502 and including all necessary case history documentation. This referral shall take place within five working days of a sex offender parolee's release from custody. For sex offender parolees re-released to parole supervision who were previously placed in a contracted sex offender treatment program, the parole agent shall provide the CDCR Form 1502 and updated supporting documents at the time of the initial interview.

#### **81022.14 Sex Offender Management Program – Case Review**

The case review is a quality control mechanism used to ensure all initial contact and PC Section 290 registration requirements have been completed, and all appropriate referrals have been made. A case review shall be conducted on all initially released sex offender parolees no later than 30 days after the parole date. However, a case review shall not be required for sex offender parolees, if the case review due date coincides with or occurs after a Petition for Revocation to the courts or deferral for local adjudication,

The results of the case review shall be documented on the electronic Record of Supervision.

In SOMS, the case review shall be entered as a "Case Conference Review" supervision event, and "30 Day Case Conference Review" shall be entered in the note section.

#### **81022.15 Sex Offender Management Program – Containment Team Meetings**

The Containment Team meeting is a collaborative effort establishing a mechanism of consistent communication with all involved parties. The purpose of the Containment Team meeting is to review relevant case factors, sex offender treatment progress, dynamic risk factors, polygraph results, community reintegration, response to parole supervision, and supervision category.

The Containment Team shall normally consist of a parole agent, unit supervisor, sex offender parolee, contracted clinician (licensed psychiatrist, psychologist, and/or psychiatric social worker directly treating the sex offender parolee), and victim advocacy representative. The Containment Team may also include other relevant stakeholders, sex offender parolee family members, or members of the sex offender parolee's community support network. Efforts should be made to ensure all members of the Containment Team are present during normally scheduled Containment Team meetings. In the event members of the Containment Team are not available to meet, the Containment Team shall minimally consist of a contracted clinician, parole agent, unit supervisor and the sex offender parolee.

Prior to conducting a Containment Team meeting, parole agents shall be provided with the required assessments by the contracted clinician. Additionally, Containment Team meetings shall be minimally staffed, in part, by a contracted clinician and the sex offender parolee. In the event the required assessments are not completed by the contracted clinician, and provided to the parole unit, or the contracted clinician or sex offender parolee is absent from the scheduled Containment Team meeting, the Containment Team meeting shall not be delayed beyond the required due date. The Containment Team meeting shall be conducted within the designated timeframes utilizing any available required assessments. The absence of the contracted clinician, sex offender parolee, or required assessments shall be documented on the CDCR Form 3042, Sex Offender Management Program-Classification Scoring Sheet, or CDCR Form 3043, Sex Offender Management Program-Management Program Management Program Containment Meeting/Discharge Consideration Committee, as applicable.

Although Containment Team meetings are intended to occur in person, they can be conducted by teleconference/video conference calls when necessary, and only when approved by the unit supervisor or above. The initial Containment Team meeting shall be documented on the CDCR Form 3042 and submitted to the unit supervisor for approval. All subsequent Containment Team meetings shall be documented on

the CDCR Form 3043 and submitted to the unit supervisor for approval.

A Containment Team meeting shall be conducted within 90 calendar days of release for all "ST" cases. Subsequent Containment Team meetings shall be conducted within six months for "SA" and "SB" cases, and 12 months for "SC" cases, following the date of assignment to the current supervision level. Sex offender parolees currently classified as "ST" or "SA" shall not be directly re-classified to "SC" without approval of the District Administrator.

Nothing shall preclude the parole agent or unit supervisor from conducting a Containment Team meeting prior to the next scheduled meeting if the parole agent or unit supervisor determines that the sex offender parolee's behavior or dynamic risk factors change, increasing or decreasing the risk to public safety.

#### **Abbreviated Containment Team Meeting**

An abbreviated Containment Team meeting is a meeting consisting minimally of a parole agent and a unit supervisor, and may be optionally used when an offender's behavior or dynamic risk factors change to a level likely to lead to an immediate risk to public safety and where staff necessary to comprise a normally scheduled Containment Team meeting are unavailable due to the immediate time constraints.

In the event an abbreviated Containment Team meeting is conducted, the clinician shall be notified of any change in supervision category the next business day. The circumstances leading to the abbreviated Containment Team meeting shall be discussed and documented at the next available Containment Team meeting or subsequent clinician collateral contact. The abbreviated Containment Team meeting shall be documented on the CDCR Form 3043 and the electronic Record of Supervision, noting the justification for the abbreviated meeting.

Abbreviated Containment Team meetings may satisfy the normally scheduled Containment Team meeting requirement, as dictated by the SOMP supervision category. However, the abbreviated Containment Team meeting shall not be routinely used as a substitute for normally scheduled Containment Team meetings. If an abbreviated Containment Team meeting is conducted, a full containment team meeting shall be completed within 30 calendar days of the abbreviated Containment Team meeting.

When a parolee supervised at "SP" leaves the residential treatment program, the parole agent and unit supervisor shall conduct an abbreviated Containment Team meeting to determine the appropriate supervision level.

#### **81022.16 Sex Offender Management Program – Searches**

Unannounced searches serve as a valuable tool in sex offender parolee supervision, as well as a public safety mechanism, and shall be performed safely and effectively, consistent with current DAPO policy. Parole agents are encouraged, with supervisory approval and when feasible, to utilize a team approach when conducting searches. Searches shall be counted towards case specifications as described in section 81022.11, and may include all relevant and available tools to conduct the search. Searches should be focused on the components dictated by the sex offender parolee's criminal history and circumstances of their sexual behavior. Searches shall be conducted in accordance with Chapter 8, Article 3.

#### **81022.17 Sex Offender Management Program – Parole Agent II, Supervisor, Caseload**

The Parole Agent II, Supervisor, shall be assigned 25 percent of the average parole unit workload for supervision. The caseload should be proportionate to the equitable breakdown of cases by category being supervised within the parole unit. The Parole Agent II, Supervisor, shall provide support to the unit supervisor with administrative duties and sex offender parolee management within the parole unit. Administrative duties may also include facilitating community relationships with local law enforcement agencies, acting as a victim advocacy liaison, and coordinating Community Partnership meetings.

In a parole unit with both CPSRM and SOMP caseloads, the unit supervisor may determine which type of caseload the Parole Agent II supervisor will be assigned. The Parole Agent II Supervisor shall not be assigned a mixture of CPSRM and SOMP cases.

#### **81022.18 Sex Offender Management Program – Unit Supervisor**

The unit supervisor shall administratively manage the quality of sex offender containment within their parole unit.

The unit supervisor shall, at a minimum:

- Utilize the SOMS Unit Workload Summary report for determining workload.
- Balance and maintain an equitable combination of supervision categories.
- Ensure that the nexus for imposing SCOP related to the sex offender containment model is imposed in accordance with Chapter 8, Article 1.
- Transfer PAL cases in accordance with current policy in respect to referrals for apprehension.

- Coordinate community relationships with local law enforcement agencies and victim advocacy groups.
- Monitor that all initial contact and PC Section 290 registration requirements have been completed and all appropriate referrals have been made.
- Ensure GPS monitoring procedures are followed in accordance with this article.
- Ensure there is proper parole unit coverage in their absence.
- Conduct periodic reviews to ensure monthly specifications for suspended SOMP cases are performed and documented on the electronic Record of Supervision.
- Complete additional duties as assigned by the District Administrator.

#### **81022.19 Sex Offender Management Program – District Administrator**

Each District Administrator shall ensure that sex offender parolee caseloads within each parole unit/complex/district are created and managed in accordance with the mandates pursuant to current DAPO policy and procedures.

#### **81022.20 Sex Offender Management Program – Contracted Sex Offender Treatment**

Placement in treatment shall be decided upon by the parole agent/unit supervisor in consultation with the treatment provider. Sex offender parolees not placed into contracted sex offender treatment due to severe mental health issues shall continue to participate in or be referred to the POC for available mental health treatment until such a time that they can participate in sex offender treatment services.

The referral process is consistent with current procedure of the parole agent completing and submitting a CDCR Form 1502 to the unit supervisor for approval. Following unit supervisor approval, the parole agent shall forward the CDCR Form 1502 and the Cumulative Summary to the treatment provider.

The Cumulative Summary documents shall include, at a minimum, the following (when available):

- Completed and unit supervisor approved CDCR Form 1502.
- Parolee Face Sheet.
- CDCR Form 1515 and/or CDCR Form 1515-Addendum.
- Abstract of Judgment.
- Probation Officer report(s).
- Institution Staff Recommendation Summary.
- Available sex offender risk assessment(s).
- Completed COMPAS evaluation that identifies risks and needs of the parolee.
- Criminal histories (Rap Sheets).
- Police reports.
- PC Section 288.1 forensic evaluations.
- Psychosexual history.
- Other mental health evaluations and case history documents.
- Intake and home visit information when relevant.
- Juvenile records.
- Sexually Violent Predator records.

If the Sex Offender Treatment provider requests additional documents related to the sex offender's criminal history which are not contained in the Cumulative Summary, the parole agent shall make a reasonable effort to obtain and provide the documents to the Sex Offender Treatment provider in a timely manner. If the parole agent is not able to obtain the documents within 14 working days of the request, the parole agent shall notify the Sex Offender Treatment provider.

Within five days of receipt of the CDCR Form 1502 and the Cumulative Summary, the treatment provider will be responsible for screening the sex offender parolee to determine the services to be provided. The treatment provider will then submit an Intake Report to the parole agent within 30 calendar days after screening, and submit a Comprehensive Report/Individual Treatment Plan and completed State Authorized Risk Assessment Tool for Sex Offenders scores to the

parole agent within 90 days after screening. The treatment provider will also be responsible for submitting the assessment scores to the parole agent and SOU within 30 days of completion.

Within five working days of receiving the assessment scores, the SOU shall forward the scores to the Department of Justice in accordance with PC Section 290.09(b)(2).

The SOU shall oversee Sex Offender Treatment contracts and shall monitor contract compliance through monthly reviews, periodic compliance reviews, quarterly audits, and site inspections.

The parole agent shall issue the sex offender parolee specific reporting instructions, including the address of the treatment facility, and the date and time to report. Failure of a sex offender parolee to attend and/or participate in treatment shall be addressed by a case conference with the unit supervisor for appropriate action.

#### **81022.21 Sex Offender Management Program – Polygraph**

The use of the polygraph examination by parole agents and treatment providers is an important tool. The sex offender parolee shall be advised of the use of the polygraph, documented on the Notice and Conditions of Parole or SCOP in SOMS, which shall include conditions requiring the sex offender parolee to:

- Report to, enroll in, and actively participate in outpatient sex offender treatment, which includes polygraph examinations.
- Agree to waive psychotherapist-patient privilege, and agree to polygraph examinations while in treatment during parole.
- Report to their designated outpatient sex offender treatment program, sign forms presented by the treatment providers, including an information release form and consent to polygraph form.

Every sex offender parolee shall submit to a polygraph examination(s) in accordance with the Sex Offender Treatment contract. The focus of the polygraph examination is as follows:

- Initial intake and/or sexual history examinations utilized to explore and extract their involvement in criminal sexual behavior. This examination is helpful in facilitating treatment for the sex offender parolee and assessing risk factors.
- Maintenance/monitoring exam is utilized to monitor the sex offender parolee's activities; behavior, truthfulness, and compliance with the Containment Team while on parole.

The polygraph examiner formulates an opinion as to the truthfulness of statements made by a parolee, and provides a written report summarizing the polygraph examination. The report shall be forwarded to the parole agent within 15 calendar days of the examination. The parole agent, or available parole unit staff, shall be notified immediately in the event the examination yields information that could constitute a threat to public safety.

The polygraph examination is used as a maintenance, supervision, and treatment tool. Sex offender parolees are required to participate in and complete the polygraph examination as outlined in their SCOP and as directed by their parole agent. Failure to do so shall be addressed in a Containment Team meeting. If, upon the results of a polygraph examination, a sex offender parolee is determined to be deceitful, the parole agent shall investigate the possibility of new crimes and/or parole violations. Polygraph examinations shall not be used as an alternative to regulatory requirements for determining a person's guilt or innocence of charges in disciplinary matters.

#### **81022.22 Sex Offender Management Program – Victim Advocacy**

Victim advocacy is an important and valuable part of the containment model. This component expresses the concern for the safety and privacy of known victim(s) and victim families. The victim advocate represents the interest of the victim(s), including being responsive to victims' needs for information and protection, safeguarding victims' rights, ensuring victim input in the community supervision planning process, and ensuring that policies and practices do not negatively impact victims. Parole staff may work with the victim advocate to ensure that the victim(s) have adequate safety plans, treatment referrals, and to provide information to the victim advocates regarding the SOMP.

The SOU shall coordinate victim advocacy referral resources for DAPO. The SOU shall liaison between DAPO and victim service agencies, and shall maintain a current list of victim/witness agencies for each county throughout the State. The parole agent may directly refer victims to the local county or state victim/witness program, including CDCR's Office of Victim and Survivor Rights and Services.

The parole agent may also involve victim advocates in treatment and supervision by including the advocates in the sex offender parolee's partnership meetings, and/or Containment Team meetings.

**81022.23 Sex Offender Management Program – Training**

Supervising sex offender parolees poses unique challenges for parole agents due to the complex nature of sex-offending behavior. Training of specialized sex offender parole agents and their supervisors is critical to maintaining evidence-based standards of sex offender containment and management.

Staff supervising sex offender parolees shall receive specialized training. To promote an effective implementation of the SOMP, a clear understanding of new protocols and strategies, an understanding of new risk assessment instruments, and an increased emphasis on sex offender specific treatment, the parole agent shall be trained to utilize all available techniques in order to maximize public safety.

**81023 Global Positioning System Monitoring Policy**

The use of GPS technology as a parole supervision tool is an effective means of administering preventative and intense supervision.

**Statutory Authority**

California PC Sections 3010 through 3010.10 provides the statutory foundation to mandate all parolees to be supervised utilizing GPS technology. PC Section 3010 reads in part:

*“Notwithstanding any other provisions of law, the Department of Corrections and Rehabilitation may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on parole, as provided by this article.”*

The provisions outlined in PC Section 3004(b) apply to sex offenders released to parole on or after November 8, 2006. PC Section 3004(b) reads in part:

*“Every inmate who has been convicted for any felony violation of a ‘registerable sex offense’ described in subdivision (c) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for life.”*

For non-sex offenders assigned to a GPS specialized caseload, the tenets contained within this policy shall apply.

**81023.1 General Criteria for GPS Specialized Caseloads**

- GPS sex offender and GPS gang offender cases shall not be mixed by consolidating them into a single specialized caseload.
- All parolees who are required to register pursuant to PC Section 290 who also meet the GPS Monitoring Gang Eligibility Assessment Criteria shall be supervised on a GPS sex offender specialized caseload. At no time shall a parole agent assigned to a GPS gang offender specialized caseload be assigned supervision of a PC Section 290 offender.
- The only exception to using GPS to monitor sex offenders are those who meet the exclusionary criteria to GPS monitoring as described in this article.
- At no time shall a probationary parole agent assume the supervision of a GPS caseload.

**81023.1.1 Special Circumstances GPS Supervision**

When a parole agent or unit supervisor determines that the supervision of a parolee will be enhanced by the utilization of GPS monitoring, the parole agent or unit supervisor shall complete the CDCR Form 2193, and submit the form to the RPA via the chain of command. The requesting staff shall clearly describe the need for GPS to enhance supervision. If approved, the RPA, or designee, may assign the case to an appropriate parole unit in the region. The RPA, or designee, shall ensure Electronic Monitoring Unit (EMU) is notified of the decision.

**81023.2 Management of GPS Monitored Caseloads**

All GPS caseloads within a multi-unit parole complex shall be assigned to one specialized GPS parole unit. If needed, excess GPS cases within the multi-unit parole complex shall be assigned to a second parole unit. GPS sex offender cases within the second parole unit shall only be assigned to a GPS specialized caseload. GPS gang offender cases within the second parole unit shall only be assigned to a GPS specialized caseload.

In areas where there are not enough GPS caseloads to justify staffing an entire specialized GPS parole unit, when feasible, those caseloads shall be consolidated with other GPS specialized caseloads in nearby parole units to create one multi-location GPS parole unit within the same district. The multi-location GPS parole unit shall be supervised by one

unit supervisor. The only exception to establishing a GPS specialized parole unit is where there are insufficient GPS gang or sex offender caseloads within a geographical area to warrant such a unit (e.g., rural locations).

**81023.30 Lines of Responsibility of GPS Monitored Caseloads****81023.3.1 Electronic Monitoring Unit**

The EMU shall have the overall responsibility for the development and implementation of the DAPO statewide Electronic Monitoring, GPS, and SOMP, as well as related policies and procedures associated with the programs. The EMU shall be responsible for direct contact and coordination with the GPS vendor. The Parole Administrator of the EMU shall be considered the DAPO Program Manager.

- All Parole Agent Is, Parole Agent IIs, and Parole Agent IIIs, associated with the GPS and SOMP shall be trained by EMU staff. Training will emphasize the use of GPS technology as a parole supervision monitoring tool.
- All parole agents must complete the specialized GPS and SOMP training prior to supervising GPS monitored parolees. The training shall include detailed instruction on the requirements associated with GPS policies, procedures, and protocols.

**Electronic Monitoring Unit Coordinator**

Under the direction and supervision of an EMU Parole Agent III, the EMU Coordinator Parole Agent II shall be responsible for the statewide standardization of GPS as a supervision tool and SOMP, to include:

- Serving as a subject matter expert with GPS technology, equipment, and software.
- Training staff throughout the region and State to understand and operate the GPS system.
- Serving as a liaison to DAPO headquarters, field agents, and local law enforcement agencies.
- Provide SOMP training.
- Providing GPS program technology training updates to field staff.

**81023.3.2 Parole Agent**

The parole agent shall perform all GPS enrollment, activation, supervision, and deactivation tasks.

**81023.3.3 Enrollment Procedures**

When enrolling a parolee into the database for GPS supervision, either prior to or upon their release from custody, the parole agent shall do the following:

- Prepare the GPS device for use by ensuring the GPS device is fully charged and prepared for installation.
- Enter and/or update the parolee’s profile information into the GPS database.
  - The parole agent shall be required to use a computer with internet access to populate and update the parolee’s profile information in the GPS database to include all available information, such as personal descriptors, addresses, employment, and identification numbers.
  - Whenever the parolee profile information is updated in SOMS, the information shall also be updated in the GPS database to ensure accuracy between the two databases.
- Enter inclusion/exclusion zones into the GPS database:
  - Enter all mandatory inclusion and exclusion zones that must be manually applied by the parole agent into the GPS database no later than the completion of the first contact following release, and the issuance of SCOP.

**81023.3.4 Use of Zones Policy**

The application of inclusion and/or exclusion zones enables the parole agent to be alerted to a parolee’s movement in or out of a specific location. Parole agents shall utilize zones to enhance caseload supervision.

- Zones may include, but are not limited to, the parolee’s residence of record, employment, treatment locations, victim’s residence, areas of known narcotic activity, prior arrest locations, areas of known gang activity, and areas of restricted travel.
- Zones may also be utilized for informational purposes, or as tools for monitoring compliance with SCOP. Informational zones and alerts may or may not result in a parole violation, depending on the circumstances.
- A review of case factors, prior criminal history, and offender typology shall be considered when creating zones.
- All inclusion and exclusion zones with immediate phone call notification alerts to the parole agent shall require prior unit supervisor approval.

After entering a zone into the GPS database, the parole agent shall:

- Verify the zone is accurately placed no later than the first working day following the activation of the parolee on GPS monitoring.
- Adjust the zone criteria to reflect any necessary changes (i.e., schedule, physical location, etc.).

#### 81023.3.5 Mandatory Zones

Parole agents shall assign the following mandatory zones as appropriate:

- **Home Inclusion Zone:** Place an inclusion zone around the parolee's residence of record. If created as an informational zone that does not have an associated curfew special condition of parole, the schedule shall have a minimum of a four-hour time frame.
- **Transient Inclusion Zone:** For transient parolees, place a ten-mile zone around the city/county center in which the parolee registers as a sex offender, or around the locations where the parolee discloses he or she intends to sleep/stay during the day and/or night. If created as an informational zone that does not have an associated curfew special condition of parole, the schedule shall have a minimum of a four-hour time frame.
- **25/50-Mile Travel Restriction Inclusion Zone:** Place either a 25- or 50-mile inclusion zone in accordance with the parolee's specific conditions of parole. Travel restriction zones shall be a 24/7 time frame, unless travel has been approved by the unit supervisor.
- **Victim Exclusion Zone (PC Section 3003(h) cases):** Any parolee with a special condition of parole, pursuant to PC Section 3003(h), who cannot be within 35 miles of his or her victim, shall have an appropriate exclusion zone established.
- **Victim Exclusion Zone:** Place an exclusion zone around any known victim's residence/work locations.

#### 81023.3.6 Global Zones

Upon activation of the GPS device, the GPS database will automatically apply zones to the California border and the State and Federal prisons located in California.

#### 81023.3.7 Activation Procedures

To activate the GPS device, the parole agent shall do the following:

- **Install the GPS device on the parolee:** The device shall be installed on the parolee, as instructed in training, during the first face-to-face contact. Verify the fit of the device on the parolee's ankle, attach, and activate for GPS monitoring.
- **Verify the GPS device's functionality:** At the time of GPS device installation, review the device status in the GPS database to ensure the GPS location, current cellular transmission, and battery level are all working properly.
- **Clear any previously unresolved GPS events:** At the time of GPS device activation, review the GPS database to ensure no unresolved events occurred prior to current installation. If prior events are discovered, resolve the events, and note any available information relative to the event in the GPS database.

#### 81023.3.8 Supervision Procedures

Upon GPS supervision of a parolee, the parole agent shall:

- **Serve the parolee with GPS SCOP.** During the pre-parole process or initial interview, advise the parolee of the SCOP, outlining the SCOP related to GPS supervision and monitoring. The justification and/or nexus shall be, "*Pursuant to PC Sections 3010 and/or 3004(b) and California Code of Regulations, Title 15, Sections 3540 and 3560.*"
- **Provide instructions to the parolee:** Upon the parolee's release, familiarize them with the GPS components, CDCR-mandated procedures, and specific behaviors constituting GPS program noncompliance. The instructions shall be incorporated into the CDCR Form 1515-Addendum. Issue a copy of CDCR Form 1515 and CDCR Form 1515-Addendum to the parolee, in accordance with Chapter 8, Article 1, and also place a copy of each form into the parolee's field file.
- **When appropriate, effectively communicate prohibited area(s) and/or curfew zone restrictions in writing via the CDCR Form**

1515-Addendum.

- **Inspect the GPS device and accessory equipment.** At each face-to-face contact, physically inspect the GPS device, strap, and any additional components for evidence of tampers or defects.
- **Document all actions taken on the electronic Record of Supervision.**

#### 81023.3.9 Global Positioning System Track Review Procedures

When reviewing and analyzing GPS track data, the parole agent shall:

- **Conduct a track review each working day for all GPS-monitored parolees assigned to their caseload by displaying the points from the last GPS point viewed, up to the start of the most current day, using Point Pattern Analysis and/or Point-by-Point playback methods.**
- **Following a weekend, holiday, or scheduled day off, conduct the GPS track review by displaying points from the last GPS point viewed, up to the start of the most current day, in no more than 24-hour track analysis increments.**
- **During the course of the track analysis, thoroughly investigate all points of interest and notifications/alerts, utilizing the most appropriate system options, including Point-by-Point track playback, Point Pattern Analysis, zoom levels, and mapping tools.** In some cases, both methods of track review must be utilized in order to get a clear view of a parolee's daily activities. Select the most appropriate method for accurate and thorough GPS track review based on knowledge of the individual case factors.
- **Upon completion of the track review, document on the electronic Record of Supervision the date/time the review was started and completed, and the date/time range of the GPS tracks that were reviewed.** For weekend track reviews, one Record of Supervision entry may be used to document all findings for the weekend review session.
- **Document on the electronic Record of Supervision any findings that require further investigation, as well as parole violations that were discovered through the track review process or system alerts.**
- **Sex offender cases approved for exclusion from GPS monitoring shall have the supervision requirements modified to exclude required GPS track review.** In lieu of the GPS track review requirement, the parole agent shall conduct a significant collateral contact at a minimum of once every week. This requirement shall replace the sex offender caseload supervision collateral contact requirements until such time that the parolee returns to traditional or modified GPS monitoring.

If exigent circumstances prevent the GPS track review from being completed on a particular working day, obtain approval from the unit supervisor to complete the track review the next working day.

#### Vendor Monitoring Center

The Vendor Monitoring Center (VMC) will assist GPS parole agents in the monitoring of GPS alerts. The VMC will follow pre-established protocols to triage GPS alert information. For less urgent alerts, the VMC will attempt to resolve alerts directly with the parolee prior to parole agent involvement. In the event the alert cannot be resolved with the parolee, the alert will be escalated to the parole agent. For more urgent GPS alerts, the VMC will provide immediate notification utilizing the parole agent in accordance with established GPS alert notification protocols.

#### 81023.3.10 Alerts and Daily E-Mail Reports Procedures

The parole agent shall receive notifications via text message and/or telephone call for alerts that may require immediate or additional investigation. The parole agent will also receive the GPS activities and events of the previous day via e-mail on a cumulative daily summary report that may also require additional investigation. Upon a review of the daily report, or after receiving an alert notification, the parole agent shall:

- **Immediately investigate all alerts as deemed appropriate and in accordance with the GPS Alert Notification Protocols.**
- **When investigating alerts, utilize GPS technology, when applicable, and document any and all possible parole violations.**
- **Resolve all GPS alerts to clear the event, noting actions taken for resolution in the GPS database.**
- **All GPS notifications of alerts shall be resolved in the GPS database no later than six working days from discovery of the alert.**
- **If a GPS device has ongoing loss of communication, and the VMC and/or parole agent are unable to contact the parolee, or the parolee's whereabouts are unknown, the parole agent shall case-conference with the unit supervisor for appropriate action to bring the parolee back under parole supervision.**

### **81023.4 Sharing of Global Positioning System Data and Subpoena Process Policy**

The sharing of GPS printed or recorded data shall be restricted to identified law enforcement personnel. Such law enforcement-oriented GPS collaboration shall only occur for the purposes of investigating incidents, assisting the prosecution, or when responding to a subpoena in accordance with the following process. Whenever a subpoena duces tecum requiring production of GPS documentation or data is received at a parole unit, the subpoena shall be forwarded as soon as operationally possible to the Regional Litigation Coordinator for appropriate disposition. The Regional Litigation Coordinator shall request the GPS documentation or data from the GPS vendor via the EMU Program Manager or designee. At no time shall GPS data or GPS protocols be released to any other entity without prior approval of the EMU Program Manager. At no time shall a GPS parole agent share computer log-in and password information.

#### **81023.4.1 Global Positioning System Data and Olson Review**

GPS supporting documentation may be required as part of the violation report submission process. The parole agent shall ensure that all confidential information contained within the documents or maps has been redacted in accordance with established Department policy and procedures.

### **81023.5 Media Contacts Regarding Global Positioning System Policy**

All contacts from the media regarding the use of GPS as a parole supervision tool shall be forwarded to the respective regional Public Information Officer. The regional Public Information Officer shall liaison with the DAPO EMU Program Manager and the CDCR Office of Public and Employee Communications regarding specific policy requests or GPS supervision protocols. GPS data or other information that would jeopardize the safety of staff or parolees shall not be released to the media.

### **81023.6 Crime Scene Correlation Policy**

Crime scene correlation is available to GPS-trained agents and DAPO-trained law enforcement agencies. Crime scene correlation serves as a critical investigative tool, and provides historical GPS data relative to specific search criteria. The parole agent may utilize crime scene correlation as an investigative tool on an as-needed basis to assist local law enforcements agencies and provide GPS information in a timely manner.

### **81023.7 Interstate Cases Policy**

Any out-of-state parolee who is being considered for transfer to California, who is otherwise eligible for GPS monitoring under this policy, shall be advised that failure to comply with the GPS program requirements shall result in the denial of their transfer request.

Any eligible parolee who elects to maintain their request to transfer to California shall be supervised via GPS monitoring. Upon arrival for supervision, the parolee retains the discretion to remain in California and participate in GPS monitoring, or to return to their sending state. Willful noncompliance with GPS monitoring shall result in the parolee being placed in local custody, and a Good Cause Hearing shall be scheduled to determine appropriate action, in accordance with Chapter 8, Article 6.

For CDCR's PC Section 290 cases accepted for transfer out of California, the parole agent shall:

- Issue written instructions requiring the parolee to keep the GPS device attached to their ankle and the battery charged while traveling to the receiving state's supervising unit.
- Provide the parolee with a prepaid postage return envelope or box that shall be used to return the GPS equipment to California.
- While the parolee is in transit, the case shall continue to be monitored by the parole agent and the GPS tracks shall be reviewed in accordance with existing GPS track review requirements.
- Upon arrival at the receiving state's supervising unit, while in the presence of the supervising officer or designee, the parolee shall be required to call the DAPO parole agent/Officer of the Day. The parolee shall be advised to remove the GPS device and place the device and charger in the postage paid envelope or box, and place it into the outgoing mail for return to CDCR.

- Review GPS tracks up to the time of removal of the GPS device, and resolve all alerts in the GPS database.
- Document actions taken to close supervision on the electronic Record of Supervision.

### **81023.8 State-Issued Equipment Control Policy**

Equipment inventory control is vital to the success of DAPO's GPS program. Currently, GPS parole agents are issued a State laptop, cellular telephone, and accessories. This equipment shall only be used to conduct State business. At no time shall this equipment be left in plain view within a vehicle. If assigned equipment is lost or damaged, the parole agent shall:

- Immediately notify their unit supervisor for immediate replacement, and submit a completed CDCR Form 1617, Memorandum, to the unit supervisor describing the circumstances.
- The unit supervisor shall contact the EMU Program Manager or designee for immediate equipment replacement, and forward a copy of the CDCR Form 1617 as soon as it is practical, to the EMU Support Unit mailbox at EMUSupport@cdcr.ca.gov.
- Parole agents may be required to reimburse the State for replacement cost of equipment loss due to negligence or employee culpability, as outlined in Department Operations Manual Section 85050.5, Equipment Responsibility Policy.
- State issued equipment shall remain with a GPS-trained parole agent or the unit supervisor during a parole agent's vacation or extended leave of absence.
- Equipment options may change based on program objectives.

#### **Global Positioning System Vendor Equipment Control**

For security reasons, all GPS equipment (consumables and GPS devices) shall be safely secured. At no time shall a parolee be left in an area with unsecured GPS equipment. At no time shall GPS equipment be left in plain view within a vehicle. Defective GPS devices shall be immediately returned to the vendor for replacement and/or disposal. Used or defective straps and installation pieces shall be destroyed by the parole agent by cutting them into unusable pieces.

### **81023.8.1 State-Issued Cellular Phones Policy**

All DAPO staff issued a cellular phone shall have the phone readily accessible to them at all times while on duty. All DAPO staff issued a cellular phone shall exercise due care and diligence for their State-issued phones. Staff issued a cellular phone shall safeguard their State-issued cellular phone when off-duty.

Staff may be required to reimburse the State for the cost of replacement equipment for losses due to several acts (3 or more) of negligence or a single act of gross negligence, in accordance with Chapter 3 and the staff member's MOU.

### **81023.8.2 Global Positioning System Equipment Lost, Destroyed, or Damaged by Parolee Procedures**

If a parolee intentionally loses, destroys, or damages a GPS device, the parole agent shall confer with the unit supervisor to determine if the case should be referred to the County District Attorney's Office for prosecution. Any completed violation report shall reflect this charge accordingly.

### **81024 Transitioning Parolees Off of Departmental Global Positioning System Monitoring Procedures**

In circumstances when the sex offender was released to parole on or after November 8, 2006, the unit supervisor or designee shall complete the appropriate notice of pending discharge letter. The notice of pending discharge letter shall be mailed to the respective PC Section 290 registering law enforcement agency, no later than 60 days and no sooner than 90 days prior to the parolee's discharge. A letter shall be completed for all qualified PC Section 290 registrants discharging from parole, regardless of their current status (active or revoked). A copy of the completed letter shall be retained in the field file. Law enforcement agencies may elect to assume GPS monitoring of discharged sex offenders, and, if requested, DAPO staff shall provide reasonable assistance to the respective law enforcement agency.

#### **81024.1 Deactivation Procedures**

When deactivating a GPS device, the parole agent shall:

- Perform all necessary unenrollment tasks associated with the removal of a GPS device.
- Inspect the device for evidence of tampers.
- Retain the device and prepare for future use, or return the device to the vendor for repair/replacement.
- Upon notification of a parolee's arrest, unenroll the parolee from the GPS

database within one working day.

- When a parolee is placed in local custody, retrieve the device from the facility no later than the third working day following arrest. Document all unsuccessful efforts to retrieve the device on the electronic Record of Supervision, and notify the vendor that the device has been lost and unrecoverable, in order to maintain accurate equipment inventory.
- Upon discovery that a parolee has absconded from parole supervision, the parole agent may delay for up to three days unenrolling the parolee from the GPS database to allow for possible additional GPS data collection and intelligence gathering. In the event the parolee cuts the strap and removes the GPS device from their ankle, and the location of the device is known, retrieve the device no later than the third working day following notification. Document all unsuccessful efforts to retrieve the device on the electronic Record of Supervision, and notify the vendor that the device has been lost and is unrecoverable, in order to maintain accurate equipment inventory.
- On the Controlling Discharge Date (CDD), remove the GPS equipment and unenroll the parolee from the GPS database. If the CDD falls on a non-business day, verify the CDD on the prior working day, and unenroll the parolee from the GPS database on the date of the CDD. The parole agent shall collect the GPS equipment on the next business day.

#### **81024.2 Supervisory Procedures Related to Global Positioning System**

##### **Parole Agent II**

The Parole Agent II shall provide support to the unit supervisor with administrative duties and GPS-related functions within the parole unit as outlined in current policy and procedures. The Parole Agent II assigned to a parole unit supervising GPS sex offender specialized caseloads may be assigned sex offender cases for supervision.

Administrative duties may include, but are not limited to, the following:

- Assisting the unit supervisor in maintaining accurate GPS equipment inventory for their parole unit.
- Utilizing audit reports from the GPS database.
- Assisting parole agents with pre-parole zone application and profile enrollment into the GPS database.
- Analyzing and reviewing GPS tracks.
- Reviewing the GPS vendor daily report, and auditing for outstanding alerts.

##### **Unit Supervisor**

- Utilize the Unit Workload Summary Report to determine workload.
- Balance and maintain an equitable combination of cases as outlined in the sex offender caseload matrix.
- Ensure all GPS specialized caseloads include only parolees with supervision categories within SOMP.
- Effectively utilize all available supervisor reports and case management tools in the GPS database to perform audits and ensure compliance with GPS track review requirements and duties of parole agents assigned to GPS specialized caseloads
- Review the daily summary report and GPS database to ensure alerts are addressed by the parole agent.
- Ensure SCOP relating to GPS supervision reflect an appropriate nexus.
- Maintain accurate inventory of GPS equipment assigned to the respective parole unit.
- Ensure the GPS call trees remain current and up-to-date, with all pertinent information, by providing any changes to the EMU GPS Coordinator.
- Ensure a GPS-trained parole agent is available to complete daily GPS duties, to include GPS track reviews, investigation, and alerts, in the event the parole agent is unavailable (i.e., sick, vacation).
- During case reviews, ensure GPS events, violations, and alerts are

being resolved and noted into the GPS database, and significant GPS events are documented on the electronic Record of Supervision (e.g., those that are deemed to require further investigation or action, immediate alerts/notifications).

##### **District Administrator**

Each District Administrator shall ensure that GPS caseloads within the parole district/complex/unit are created and managed in accordance with the mandates outlined in this policy. The District Administrator shall liaison with the EMU Program Manager to ensure their respective district is maintaining compliance with this policy. Each District Administrator shall utilize all available vendor supervisor reports and case management tools to perform audits and compliance checks within their respective district.

##### **Administrative Officer-of-the-Day**

GPS call trees will include the Administrative Officer-of-the-Day (AOD) contact information. In situations where the VMC is unable to contact all parole agents assigned to a specific call tree, the VMC will contact the AOD. The AOD schedule shall be utilized for after-hour alerts (1700 hours to 0800 hours during the normal business week), and all hours during weekends and State holidays. Each RPA or designee shall be responsible for providing a current AOD schedule to the EMU program manager or designee.

#### **81024.3 Temporary Global Positioning System Device Removal Policy**

When an instance arises, necessitating temporary removal from traditional GPS monitoring, such as a medical procedure, the unit supervisor may direct the temporary removal of the GPS device as follows:

- The decision to temporarily remove the GPS device shall be documented on the electronic Record of Supervision.
- Temporary removal shall not exceed 12 hours.
- The parolee shall be required to carry an activated GPS device to the medical procedure, and shall remain within proximity of the device, unless being in proximity of the device would interfere with the medical equipment.
- For modifications or exclusion from GPS monitoring beyond 12 hours, a request for approved modification must be submitted as outlined below.

All steps shall be taken to minimize the time a parolee is in the community without traditional GPS monitoring. Mitigating actions such as transportation to and from a medical appointment, or having the parolee reschedule an appointment, may become necessary to minimize the temporary removal of the device.

#### **81024.4 Exclusion or Modification Criteria from Traditional Global Positioning System Monitoring for Sex Offenders**

Traditional GPS monitoring devices are designed to be secured to a person's ankle. In certain circumstances, such as a condition of mental illness and/or physical disability, traditional GPS monitoring may not be an appropriate consideration or option.

Modifications to traditional GPS monitoring are available, but shall only be used when absolutely necessary. If traditional or modified GPS monitoring is likely to cause serious injury or death to a parolee, a GPS monitoring exclusion shall be considered.

Extended exclusion or modification to traditional GPS monitoring that meet the temporary requirements outlined above shall be approved or disapproved in writing by the DAPO Director or designee via case conference, including the respective RPA, and shall be documented on the CDCR Form 2193.

##### **81024.4.1 Mental Illness/Disability Procedures**

For GPS-monitored disabled or mentally ill parolees, documentation clarifying the need for modification or exclusion from traditional GPS supervision is required if it is determined that participating in traditional or modified GPS monitoring will cause serious injury or death.

The CDCR Form 128-PMH3, GPS Supervision of Mentally Ill Parolee- Clinical Recommendation to Continue, Modify, or Exclude from Traditional Monitoring, shall be used when the parole agent suspects GPS monitoring may have an adverse effect on a parolee's mental health, and/or suspects a parolee's mental disorder prevents the parolee from compliance with traditional GPS monitoring. With this type of case, the following shall take place:

- The parole agent shall complete Section I of the CDCR Form 128-PMH3, attach the CDCR Form 7385-A, Authorization For Release of Information-DAPO, and submit both forms to the POC Regional Headquarters Supervising Senior Psychologist for completion.
- Upon receipt of the CDCR Forms 128-PMH3 and 7385-A, within no more than two working days, the POC Regional Headquarters Supervising Senior Psychologist shall assign a POC Clinical Psychologist or Clinical Social

Worker to evaluate the parolee.

- No more than ten working days following clinical assignment, the POC Clinical Psychologist or Clinical Social Worker shall evaluate the parolee and conference the case with the parole agent to determine if there is or is not a need for modification or exclusion to traditional GPS monitoring. The evaluation and recommendation shall be documented on the CDCR Form 128-PMH3, with the completed CDCR Form 7385-A attached.
- Within one business day following the evaluation, the POC Clinical Psychologist or Clinical Social Worker shall provide the completed CDCR Forms 128-PMH3 and 7385-A to the POC Regional Headquarters Supervising Senior Psychologist. In an effort to ensure these forms are received timely, the forms shall be sent via fax when overnight delivery is unavailable.
- Within two working days after receipt of the completed CDCR Forms 128-PMH3 and the CDCR Form 7385-A, the POC Regional Headquarters Supervising Senior Psychologist shall conference the case with the unit supervisor and/or the District Administrator, complete Section 4 of the CDCR Form 128-PMH3, and provide both forms to the referring parole agent.

Parolees in a 24-hour licensed mental health facility do not require the POC clinician's report. In these cases, the parolee's licensed care provider; e.g., Doctor of Philosophy (PhD) or Doctor of Medicine (MD) at the facility, will be asked to prepare the report. Upon receipt of the licensed care provider's report, the parole agent shall attach the report to the CDCR Form 128-PMH3 and CDCR Form 7385-A, and provide the completed documents to the POC Regional Headquarters Supervising Senior Psychologist.

Note: Parolees who have difficulty remembering to charge their GPS device because of a mental illness or disability do not meet the criteria for exclusion from GPS monitoring.

#### Physical Disability Procedures

If it is determined that a physical disability exists precluding the parolee from wearing a traditional GPS monitoring device, or if traditional GPS monitoring is likely to cause serious injury or death, modified supervision or exclusion from GPS monitoring may be considered.

Such physical disabilities may include, but are not limited to:

- Amputated limb(s) prohibiting traditional placement of a GPS device on parolee's ankle.
- Diabetes or other medical condition(s) causing severe swelling of limbs, potentially resulting in physical harm if a traditional GPS monitoring device is applied.
- Parolee's current and/or continued placement in a medical facility with diagnostic imaging equipment. Medical equipment may be adversely affected by GPS monitoring, or the increased potential for exposure to infection may exist (during surgery).
- Documentation is not necessary in cases where a parolee is a double leg amputee.
- The parolee must provide a letter to their parole agent from their licensed medical physician. Letters from physician assistants or other designees will not be accepted.

In the event that a physical disability exists, the physician's letter must provide the following information:

- Parolee's medical condition and clarification as to whether the condition is acute or chronic.
- Specifically how the parolee's condition limits traditional GPS monitoring.
- Specifically how wearing the GPS monitoring device is likely to cause serious injury or death relative to the parolee's current medical condition or location in a medical facility.

#### 81024.5 Approved Modifications to Traditional Global Positioning System Monitoring

Modifications to traditional GPS monitoring deviating from traditional placement of the GPS monitoring device may be authorized. These modifications include the following:

- If a modification to GPS monitoring is approved, the parole agent will contact the EMU Program Manager or designee to determine

what equipment options are available for use.

- The parolee must carry the GPS monitoring device on their person at all times (fanny pack, backpack, belt, or alternative tracking device approved by the EMU Program Manager), and must be kept within reach when showering or sleeping.
- The GPS device can be attached to any device which enables a non-ambulatory parolee the ability to move around (i.e., a wheelchair).
- The parole agent shall serve the parolee with the SCOP, mandating GPS participation, with specific directives related to the requirements for the approved modification to GPS supervision and monitoring.
- The following specific directives shall include, but are not be limited to:  
"You shall maintain the GPS device on your person or ambulatory device 24 hours a day, 7 days a week, except when showering or sleeping. When showering or sleeping, you must keep the device within reach of your person."

#### 81024.5.1 Requesting and/or Obtaining Global Positioning System Exclusion and/or Modification Procedures

##### Parole Agent

Exclusion or modification to traditional GPS monitoring relative to mental illness or disability requires the parole agent to obtain the CDCR Form 128-PMH3 from the POC Regional Headquarters Supervising Senior Psychologist, as previously stated.

When requesting and/or obtaining GPS exclusion or modification, the parole agent shall do the following:

- Ensure any parolee requesting exclusion or modification from traditional GPS monitoring, due to a physical disability, has submitted a letter from a licensed medical physician, as well as the completed CDCR Form 7385-A. The recommendation must be in writing on the physician's letterhead, and must be signed by the actual physician.
- Review the letter to verify that the signing physician is currently licensed to practice medicine. This shall be done by accessing the Medical Board of California's website at <http://www.mbc.ca.gov>, and clicking the field titled "License Search."
- Contact the physician by telephone to verify the recommendation is true and correct, and that it displays the physician's own signature.
- Document the name of the person spoken with, annotating the date and time on the electronic Record of Supervision.
- Review and compile all supporting documents that pertain to the request for the modification or exclusion.
- Document the request for modification or exclusion, along with the recommendation for feasible alternatives, on the electronic Record of Supervision, and submit a CDCR Form 1502, Activity Report to the unit supervisor. The recommendation shall include feasible alternatives to GPS exclusion or modification.

Any changes in the parolee's circumstances that may void the GPS modification or exclusion decision shall be reported to the unit supervisor on the first working day following discovery.

##### Unit Supervisor

If it is determined a modification or exclusion appears appropriate, the unit supervisor shall:

- Complete a CDCR Form 2193.
- When making a recommendation, the unit supervisor shall clearly articulate all supporting modification or exclusion case factors. This form and all supporting documentation shall be forwarded to the District Administrator for approval or denial.
- In some instances, the review process may include a case conference with the District Administrator, treating physician and/or clinician, and DAPO SOU.
- Once the modification or exclusion decision has been made, the unit supervisor shall conduct a review every 90 days or immediately following a change in modification or exclusion circumstances. This review shall be documented on the electronic Record of Supervision, and include the parolee's current medical and/or mental condition, and whether continued modification or exclusion is warranted.
- The modification or exclusion determination shall be provided to the DAPO SOU via electronic mail or fax, with a courtesy copy forwarded to the appropriate chain of command. This determination shall include a summary of the decision to continue or terminate the modification or exclusion.



- A decision to return the parolee to traditional GPS monitoring does not require approval from the Director.

#### **District Administrator**

The District Administrator shall review the request for appropriateness. Appropriate requests shall be forwarded to the RPA for approval or denial. If the request is denied, the CDCR Form 2193 shall be returned to the requesting unit as soon as operationally possible and shall be retained in the field file.

The RPA shall review the request for appropriateness. Appropriate requests shall be scanned and electronically mailed to the Director via the SOU for review. If the Director approves the request, the SOU shall maintain and store the hard copy, and electronically distribute to the RPA, District Administrator, and regional exclusion tracking coordinator.

The RPA shall ensure the parolee's status is monitored every six months by the unit supervisor and the District Administrator. The review shall include documentation of changes that may impact the continued exclusion or modification from traditional GPS monitoring. Additionally, the RPA shall track all requests that have been forwarded to the Director.

#### **Director**

The Director, or designee, shall review all GPS monitoring modification or exclusion requests. The Director shall retain the discretion to approve a request as written, approve a request with modification, or to deny a request. The Director's decision shall be noted on the CDCR Form 2193, and shall be returned to the requesting unit via the respective regional headquarters office. The decision by the Director is final. The CDCR Form 2193 shall be retained in the field file.

If the parolee is approved for exclusion or modification to traditional GPS supervision, the case shall continue to be supervised on a GPS specialized caseload. Once the parolee's condition changes and the need for exclusion or modification is no longer deemed necessary, the parolee shall be immediately returned to traditional GPS monitoring.

#### **81025.1 Arson Registration**

Parolees who have been convicted of arson offenses specified in PC Section 457.1 that occurred on or after January 1, 1985, and have been ordered by the court to register, shall register with the sheriff or chief of police within 14 days of coming into any city or county.

Within 14 days, the parole agent shall verify the parolee registered as required. The parole agent shall also obtain a copy of the registration receipt for placement into the field file and notify the unit supervisor or designee for entry of the registration into SOMS.

If after 14 days, the parolee fails to register as required, the parole agent shall case conference the violation with the unit supervisor and if necessary, determine an appropriate action in accordance with Chapter 8, Articles 26 through 33, for remedial sanction, petition for revocation, filing charges with the local District Attorney.

#### **81025.2 Controlled Substance Offender Registration Policy**

Any person convicted in California of any offense listed in Health & Safety Code (HSC) Section 11590(a), or convicted in Federal Court or another state, of an offense which would have been punishable as one of the offenses in HSC Section 11590 (a) if committed in this State, must register with the police department or sheriff's office within 30 days of establishing residence in any California city or county.

Within 30 days, the parole agent shall verify the parolee registered as required. The parole agent shall also obtain a copy of the registration receipt for placement into the field file and notify the unit supervisor or designee for entry of the registration into SOMS.

If after 30 days, the parolee fails to register as required, the parole agent shall case conference the violation with the unit supervisor and if necessary, determine an appropriate action in accordance with the current DAPO policy, e.g. remedial sanction, petition for revocation, filing charges with the local District Attorney.

#### **81025.3 Notification and Disclosure of HIV Infected Parolee Policy**

Information regarding the Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Condition (ARC) status of a person is confidential and shall not be

disclosed except as provided by law. Willful or negligent disclosure of HIV information by a peace officer is a misdemeanor.

Designated Department institution medical representatives shall inform the assigned parole agent of the pending parole of an inmate who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS and of the appropriate medical precautions to be taken. The parole agent shall inform the parolee who has tested positive for HIV infection or who has ARC or AIDS of available resources provided by the county health department or other providers in order to receive appropriate counseling and medical treatment for AIDS.

If it becomes known to a parole agent that a parolee who has tested positive for HIV infection, or has ARC or AIDS has not informed his or her spouse or registered domestic partner, the parole agent shall contact the California Correctional Health Care Services (CCHCS) Litigation Coordinator and request assistance for properly notifying the spouse or registered domestic partner. The parole agent shall document requests for notification on the electronic Record of Supervision.

When conducting the arrest of a parolee diagnosed with ARC or AIDS, the parole agent shall notify all law enforcement officers assisting the parole agent of the parolee's ARC or AIDS status.

#### **81025.3.1 Notification and Disclosure of HIV Infected Parolee Procedures**

Performed by designated institution medical representative prior to parolee's release:

- Notes inmate's HIV infection status on the CDCR Form 611, Release Program Study, and on a CDC Form 128-C, MEDICAL-PSYCHIATRIC-DENTAL for the Medical Record.
- Conveys the appropriate medical precautions to the parole agent.

Performed by parole agent:

- Ensures that HIV infected parolee is informed of available assistance provided by the county health department or other providers in order to receive appropriate counseling and medical treatment for HIV.
- May request institution CCHCS or the physician treating the spouse, registered domestic partner, or parolee to inform the spouse, or registered domestic partner of the parolee's HIV positive status if parolee has not informed the spouse of HIV infection.
- Informs assisting law enforcement officers of parolee's diagnosis with ARC or AIDS.

#### **81025.4 Notification of Release of Parolees Convicted of a Violent Felony Policy**

Any parolee who has served a term of imprisonment after conviction for an offense listed in PC Section 667.5(c) and who is serving a period of parole revocation is subject to the provisions of PC Sections 3058.6 and 3058.8.

The Division of Adult Institution staff are responsible for providing the notice for those persons first released from prison to parole.

DAPO is responsible for notification of victims, or witnesses who request notification of the death, release, or escape of parole violators, convicted of a violent offense, serving revocation time in county jails. DAPO is also responsible for the notification of release from revocation status to law enforcement officials, including the District Attorney of the county to which the parolee will be released.

All notifications pursuant PC Sections 3058.6 and 3058.8 to notify local law enforcement, including the District Attorney of the county the parolee will be released to, shall be automated via SOMS into the Law Enforcement Automated Database System.

All notifications pursuant to PC Section 3058.8 to notify victims/witnesses shall be the responsibility of the assigned parole agent. PC Section 3058.8 victims/witnesses shall be verified within the Legal Mandates and Notifications section of SOMS prior to initiating notifications. In the event that the parolee's release is imminent, or if the parolee is released prior to the Revocation Release Date, the parole agent shall notify the victims/witnesses by the fastest means possible (telephone, electronic mail, express mail).

#### **81025.4.1 Procedures for Notification of Release of Parolees Convicted of a Violent Felony**

##### **Parole Agent**

- Reviews the SOMS Legal Mandates and Notifications screens to verify the presence of victims/witnesses.
- Whenever possible, notice shall be made at least 45 days prior to release if parolee is returning to county other than county of last legal residence.
- Includes parole unit address and telephone number on the CDCR Form 863-

A, Confidential Notice of Release.

- Documents the notification of release to victims/witnesses on the electronic Record of Supervision.
- Notifies the witnesses or victims of any change in release date or assigned parole unit for pre-parole cases.
- Completes and mails CDCR Form 863-A to the person requesting notification.
- Retains a copy of the CDCR Form 863-A in the field file.

#### **81025.4.2 CDCR Form 863-A Procedures**

Notification to victims, next of kin, or witnesses of parolee's release from custody, if such notice has been requested, shall be on the CDCR Form 863-A.

- The notice shall inform those persons of the fact that the person who committed the violent offense is scheduled to be released and specify the proposed date of release.
- Notice of the community in which the person is scheduled to reside shall also be given only if it is:
  - In the county of residence of a witness, or family member including a registered domestic partner of a victim who has requested notification, or
  - Within 35 miles of the actual residence of a witness, victim, or family member including a registered domestic partner of a victim who has requested notification.
  - If, after providing the witness, victim, or next of kin with the notice, there is any change in the release date or the community in which the person is to reside, the parole agent shall provide the witness, victim, or next of kin with the revised information.
- Any CDCR Form 863-A sent to victims and witnesses, shall be deemed confidential.

#### **Parole Case Records Staff**

- Updates the Legal Mandates screen in SOMS if not entered by institutional staff.
- Posts notification requirements on the electronic CDC Form 112, Chronological History, if not posted by institution staff.

#### **Regional Administrator or Designee**

- Reviews any comments received from a law enforcement agency regarding the release of an inmate or parolee.
- Forwards copy of comments to Executive Officer, Board of Parole Hearings, if Indeterminate Sentencing Law case.
- Modifies original decision regarding community of release per PC Section 3003 after consideration of comments, if appropriate.

#### **81025.4.3 Response to Written Request for Victim or Witness Notification Policy**

Written requests for notice of an inmate's/parole violator's death, release, or escape will be responded to in writing by the Regional Administrator, or designated staff members not less than the level of a Parole Administrator.

Each request will be evaluated in terms of the potential risk of harm the parolee's release or escape will present to the requester, as well as the need to maintain the confidentiality of the requester's identity and of information contained in the request.

#### **81025.4.4 Response to Written Request for Victim or Witness Notification Procedures Regional Administrator or Designee**

Acknowledges request and advises requester:

- Of actions taken by CDCR;
- Of additional information, if any, required before an action can be taken.
- Of his or her responsibility, pursuant to PC Section 3058.8, to inform CDCR of any change in the address (or telephone number) to which a notice is to be sent or a call is to be made
- That the request is considered confidential.
- Forwards copies of request and response to regional records.

#### **81025.5 Restrictions After Parolee is Discharged**

Parolees are prohibited from owning, using, having access to or having under their control any firearm or other weapon as defined in state or federal statutes. This includes any weapons used for hunting, self-defense or display, whether or not the weapon is operable.

The following State and federal statutes continue to apply after discharge from parole:

- The PC prohibits anyone who has been convicted of a felony, or is addicted to any narcotic drug, from owning or possessing any firearm capable of being concealed upon the person.
- The PC also prohibits those who have been convicted of using a firearm in the commission of a felony, from owning, possessing, or having under their control or custody any firearm, regardless of whether or not the weapon is operable.
- Federal law prohibits persons convicted of felonies from owning, possessing or having under their control any firearm or ammunition.

According to California law, the right to possess a firearm may be restored by a Governor's pardon unless the person was ever convicted of a felony involving use of a firearm. The right to possess a firearm under federal law is not restored by a Governor's pardon but may be requested through application to the United States' Secretary of the Treasury.

Parolees should be referred to the County Registrar for specific requirements.

A person convicted of a felony may be ineligible to hold certain public offices but may request a determination from the official who certifies candidates for the office in question.

#### **81025.6 Parolees Employment Restriction Policy**

A parolee's criminal, psychiatric or drug abuse history may indicate that the parolee will pose a serious threat to the person or property of others in certain employment situations. The parole agent may prohibit specific employment by a special condition of parole if a parolee's case factors include, but are not limited to:

- With a narcotics record would have access to drugs.
- With a record of embezzlement would have access to a large amount of funds.
- With a history of violent or aberrant sexual behavior would be in a situation which is likely to prompt similar behavior.

Any special condition of parole restricting employment must meet the requirements described in Chapter 8, Article 1.

The parole agent will disclose the parolee's status to an employer if it is necessary for the safety or well-being of the employer, the employer's property, the parolee or others.

#### **81025.7 Disclosure of Parolee Status Procedures**

##### **Parole Agent**

Requires the parolee to inform the employer of the conviction(s) within a set time (or notification will be done by parole agent) if disclosure is indicated.

Contacts employer to verify whether parolee informed the employer and makes disclosure if necessary.

Discloses no more information than is necessary to safeguard employer or others.

##### **(Immediately)**

Confers with unit supervisor and advises employer if parolee's employment poses an immediate and serious threat to the safety of employer or others.

#### **81025.8 Parolee Contact With Prisoner Policy**

A parolee or former parolee may not enter grounds of any jail, camp or prison in California without the consent of the Warden or Official-In-Charge (OIC).

##### **81025.8.1 Parolee Contact With Prisoner Procedures**

In the event a parolee requests contact with an inmate serving a prison term in California, the parole agent shall:

- Send a CDCR Form 1617, Memorandum to the Warden or OIC of the institution where the parolee wishes to visit with a recommendation.
- Direct the parolee not to visit until the Warden or OIC responds to the CDCR Form 1617 and consents to the visit.
- Advises the parolee of Warden's or OIC decision.

If the inmate is temporarily housed in a county jail, the parole agent shall also obtain in writing the permission of the OIC of the county jail.

**81025.9 Parolee Financial Matters**

DAPO is not a collection agency. Parole staff will not collect money for any other agency or person and will not threaten a parolee with sanctions to compel payment of a debt. If a parole agent is contacted by a creditor, the parole agent shall verify the identity of the creditor and indicate that the parolee will be advised of the obligation to pay debts. On occasion, institution staff will contact the field to verify debts or financial obligations by an inmate. DAPO staff may also be contacted by the institution to verify trust fund withdrawal information. It is the policy of DAPO to investigate all such requests as expeditiously as possible.

DAPO staff will not handle funds of individual parolees except:

- The disbursement of release funds forwarded to unit office.
- The disbursement of cash assistance.
- Managing funds of a physically or mentally incompetent parolee pending establishment of a conservatorship. The parole agent shall obtain unit supervisor approval for such management and will document approval on the electronic Record of Supervision.
- The repayment of cash assistance loans by parolee.

**81025.10 Parolees Acting As Informers Policy**

DAPO shall cooperate with law enforcement agencies regarding the use of parolees as informers. Information regarding a parolee's activities as an informer shall be restricted to parole staff and law enforcement personnel on a need-to-know basis. Any documents regarding informer activity shall be classified as confidential. An inmate-participant in a community-based reentry program shall not be permitted to act as an informer, unless approved by the on-site Correctional Counselor III, Program Manager.

**81025.10.1 Parolees Acting As Informers Procedures****Parole Agent**

Advises law enforcement agency to submit request (on official letterhead stationery) signed by an agency command person with the following specific information:

- Activity parolee will be involved in.
- Duration of activity.
- Scope of the activity.
- Travel from area required by activity.
- Planned procedures to protect parolee during and after activity.

Contacts parolee and determines:

- If parolee wishes to act as an informer.
- If parolee knows potential danger involved.

Informs parolee that supervision will continue and that informant status does not exempt parolee from being subject to parole violations or remedial sanctions.

Conducts case review with unit supervisor, and documents the case review on a confidential memorandum.

Prepares specific plan of supervision, including anti-narcotic testing, to be followed while parolee is in informer status.

Places law enforcement agency letter of request, written case review and report in envelope marked "Confidential".

All documents dealing with parolee informer status shall be marked "Confidential" and processed per instructions on handling confidential documents.

In the event a parolee requests to become an informer while pending a parole violation, the violation shall be adjudicated in accordance with current DAPO policy. The violation report or Parole Violation Decision Making Instrument adjudication document shall include a written report addressing the circumstances of the request (e.g., parolee is in custody with a hold, suspended, or has a revocation proceeding scheduled).

Submits entire package to District Administrator via the unit supervisor for review and approval.

**Unit Supervisor**

Reviews package and forwards it with recommendation to District Administrator.

**District Administrator**

Reviews package and approves or denies informant program request.

**Parole Agent**

Initiates approved Informer program if approved by the District Administrator.

**81025.11 DAPO Use of Informants Policy**

Peace officers assigned to OCS and whose peace officer status is defined in PC Section 830.2(d)(1) are exempted from this section. OCS agents shall report any preplanned or pre-arranged use of a parolee informant to the supervising parole agent or unit supervisor in advance of such use.

DAPO parole agents will not recruit, develop, or utilize individuals on a, pre-arranged basis solely for the purpose of acting as informants. Under no circumstances will an agent:

- Pay or offer to pay an individual for information.
- Make any promises of immunity, dismissal of charges, or reduced charges in exchange for information.
- Have operational control over any individual whose primary role is that of an informant, except in supervising a parolee who may be operating as an informant for a law enforcement agency.

**81025.12 Electronic Travel Permit Policy**

The regulatory authority for the issuance of a Travel Permit is defined in the CCR, Title 15, Division 2, Section 2512.

The electronic Travel Permit shall be utilized by DAPO staff to authorize parolee travel outside the county of residence for more than two calendar days (48 hours), outside the State of California, or for travel that exceeds 50 miles from the parolee's residence of record. Travel Permits shall not be issued for a period exceeding 30 calendar days. Travel Permits for parolees who are PC Section 290 registrants shall be limited to four days or less, due to statutory registration requirements. The receiving parole unit (i.e., the parole unit in the area to which the parolee will travel) shall be notified of parolee travel by the unit supervisor or designee.

A Travel Permit may be issued upon review of the following factors:

- Review the field file for overall parole adjustment, the CSRA Score, any CDCR Form 1707, Request for Victim Services, and the CDCR Form 1515-Addendum, for any documentation that restricts travel to the requested location.
- Purpose of travel.
- Travel details (i.e., method of travel, vehicle information, destination, departure/return dates, person(s) to be visited, travel companions.
- Impact of travel on employment.
- Impact of travel on reporting, testing or registration requirements.

A Travel Permit will not be issued to allow a parolee to seek employment or a program in another county. Parolees who routinely travel to another county for approved purposes do not require a Travel Permit, but must have prior written approval from their parole agent. The receiving parole unit of the area to which the parolee routinely travels shall be notified by the assigned parole agent.

**81025.12.1 Electronic Travel Permit Procedures**

Parolee requests to travel outside the county of residence or more than 50 miles from their residence of record shall be processed in the following manner:

**Parole Agent**

The parole agent shall:

- Review the travel request to determine permissibility based upon the factors outlined in this policy. Case conference the request with the unit supervisor, or designee.
- Review parole plan requirements to determine if there is a special condition of parole for the parolee to attend the POC. In the event that a POC requirement exists, contact the assigned POC clinician for input regarding the travel request.
- Approve or disapprove travel request and document on the electronic Record of Supervision.
- If approved, complete the electronic Travel Permit in SOMS. Include appropriate "Special Instructions" (e.g., reporting or emergency instructions).
- Enter digital signature on the Travel Permit and electronically route to the unit supervisor.
- Upon unit supervisor approval, document the issuance of the Travel Permit on the electronic Record of Supervision.
- Review the terms of the Travel Permit with the parolee and obtain parolee

signature.

- Provide a copy of the signed Travel Permit to the parolee.
- Verify parolee's return from travel by face-to-face contact.

#### **Unit Supervisor or Designee**

Unit supervisor or designee shall:

- Review and approve/disapprove Travel Permit in SOMS.
- If disapproved, notify the parole agent and provide instructions to cancel the Travel Permit. If approved, enter digital signature on the Travel Permit.
- Notify the receiving parole unit of the status of the Travel Permit.

#### **81025.13 Merchant Marine Travel Policy**

Any employment as a Merchant Marine shall be pre-approved by the assigned parole agent or unit supervisor.

A parolee employed by the Merchant Marine will advise parole staff of his or her position, union, union number, name of ship and name of shipping company. The case of a parolee employed by the Merchant Marine will be kept in the San Francisco, Long Beach, or San Diego unit offices with the following exceptions:

- If the parolee is at sea and port of embarkation is outside of California the case will be processed for transfer according to Interstate procedures.
- If the parolee resides with a person or family within 50 miles of the port of embarkation, the case will be assigned to the parole unit covering area of residence providing that case meets county of last legal residence exception criteria, as described in Chapter 8, Article 1.

#### **81025.13.1 Merchant Marine Travel Procedures**

##### **Parole Agent**

Instructs parolee to submit monthly reports on CDCR Form 1508, Parolee's Monthly Report, while at sea, giving estimated date of return to California.

Instructs parolee to report to parole agent within seven days of return to California.

#### **81025.14 Enemy or Gang Information Policy**

Enemy or gang information is highly sensitive and shall be transmitted as rapidly as possible to those who have a need-to-know. The CDC Form 812, Notice of Critical Case Information-Safety of Persons (Non-Confidential Enemies), shall be used to document gang membership, associations, enemies, assault on others or victim of assaults. This information is confidential and will be handled in accordance with procedures for handling confidential information.

#### **81025.14.1 Enemy or Gang Definitions**

##### **Member**

Any offender or person who, based on documented evidence, has been accepted into membership by a Security Threat Group (STG). STG members will be identified by the STG investigator through the validation process, reviewed by OCS, and affirmed by the STG Unit Classification Committee, as described in CCR, Title 15, section 3378.2.

##### **Associate**

Any offender or any person who, based on documented evidence, is involved periodically or regularly with the members or associates of a STG as described in CCR, Title 15, section 3378.2.

##### **Enemy or Victim**

A person who is an enemy or a victim of a gang as indicated by personal admission, CDCR records, other agencies' reports or information from informants.

#### **81025.14.2 Collecting and Transmitting Enemy and Gang Information Procedures**

##### **Institution Staff**

Inform Regional Reentry Coordinator of inmate involved in gang activities or parolee who has enemies, by noting information on the CDCR Form 611.

##### **Regional Reentry Coordinator**

Informs unit supervisor where the case will be assigned via electronic mail.

Places confidential information in confidential folder in case file.

#### **Parole Agent**

Presents case to unit supervisor for case review to determine appropriate supervision methods and any special conditions that should be recommended. Considers the following factors:

- Information supplied by institution staff, OCS staff, and other law enforcement agency staff or other credible sources.
- Danger and safety factors associated with parole supervision.
- Special conditions prohibiting association with known gang members by specific name.
- Type of supervision required (e.g., collateral in-office only, in the field and where, always with another agent, etc.).

Notifies local jail staff of gang status when the parolee is booked into local jail.

Documents above contacts on the electronic Record of Supervision.

#### **(Immediately)**

Requests warrant suspending parole if the parole agent establishes probable cause that the parolee is avoiding supervision.

Notifies appropriate law enforcement agencies.

#### **81025.15 Revision**

The DAPO Director or designee is responsible for maintaining the accuracy and currency of this section.

#### **81025.16 References**

PC §§ 290, 457.1, 667.5, 830.2, 3000, 3000.1, 3003, 3003.5, 3053.5, 3058.6, 3058.8, 3059, and 4571.

HSC § 11590.

CCR (15) (2) §§ 2512 and 2513.

CCR (15) (3) §§ 3001, 3378.1, and 3378.2.

### **ARTICLE 3 — SEARCH AND ARREST**

*Revised January 24, 2017*

#### **81030.1 Policy**

A parolee may be arrested and a Penal Code (PC) 3056 parole hold placed when there is probable cause to believe a parolee has violated the conditions of parole and the parolee:

- Is a danger to the safety of another person or property of another person; or
- Likely to abscond.

A parolee shall not be arrested either as punishment or as a means of instilling fear in the parolee or people related to the parolee.

When conducting an arrest, a parole agent shall only use force in accordance with the use of force policy.

Within one working day of the placement of a parole hold or upon discovery that a hold was placed, the parole agent shall conduct a case conference with the unit supervisor or designee. The parole agent shall make a recommendation for processing the parole hold, and the unit supervisor may concur or direct an alternative. The violation shall be processed in accordance with Articles 26 through 33 of Chapter 8.A parole hold shall be maintained only when it is determined by the unit supervisor that the parolee's release from custody will pose a serious risk to the safety of other persons, the security of property, or when it is likely the parolee will abscond.

#### **81030.2 Authority to Arrest**

Peace Officer Status. A parole agent employed by the California Department of Corrections and Rehabilitation (CDCR), assigned to the Office of Correctional Safety (OCS), is a peace officer pursuant to the provisions of PC 830.2(d)(1). A parole agent employed by CDCR and assigned to the Division of Adult Parole Operations (DAPO) or any other entity within CDCR (except for OCS) is a peace officer while on duty pursuant to the provisions of PC 830.5.

Authority. A parole agent's authority to arrest extends to any place in the state and to any person committed to CDCR or being supervised under the terms of the Interstate Compact, in accordance with Article 6. A parole agent's peace officer status extends to enforcement of the conditions of parole, apprehension of an escapee from a CDCR institution, the transportation of inmates or parolees, any violation of law which is discovered in the course of employment, and to providing mutual aid to other peace officers. A parole agent shall not preempt another law enforcement agency in enforcing the law.

Arrest of Non-Parolee. A parole agent may arrest a non-parolee observed committing a crime during the performance of a parole-related activity indicated in the section above. The arrest of a non-parolee shall be made in accordance with the same use of force and arrest policies that apply to parolees.

### **81030.3 Rights of Arrestee**

The parole agent shall inform the person being arrested of:

- Intention to arrest.
- Reason for arrest.

### **81030.4 Miranda Rights**

A parolee has no right to silence during questioning by CDCR peace officers, specifically regarding parole violations. CDCR peace officers will not advise parolees of Miranda Rights in this situation as it may lead to a perceived right to silence which could be detrimental in securing all necessary information. However, if law violations are present and criminal prosecution is probable, Miranda Rights shall be administered.

#### **Parole Agent**

Any parole agent effecting an arrest of any person for any criminal offense shall advise the arrestee of his or her constitutional rights pursuant to the Miranda decision. The arrestee shall be advised of his or her rights prior to any interrogation by reading verbatim the following to the arrestee in a language that the arrestee understands:

- “You have the right to remain silent.”
- “Anything you say can and will be used against you in a court of law.”
- “You have the right to an attorney and to have that attorney present while you are being questioned.”
- “If you cannot afford an attorney, one will be provided for you at no charge.”
- “Do you understand each of these rights I have explained to you?”
- “Having these rights in mind, do you wish to talk to me now?”

If the arrestee does not understand English, the parole agent shall contact the DAPO translator service to provide translation.

A “yes” answer to both questions above completes the waiver; a “no” answer to either invokes the right.

The arresting parole agent shall, whenever possible, ensure that another parole agent or peace officer is present when the parolee is advised of these rights. The answers to these questions, along with any statement provided after a waiver of these rights, shall be documented in the appropriate reports.

### **81030.5 Planned Arrest Policy**

Arrests are situations with high potential for danger that require thoughtful planning. Every arrest, when possible, will be reviewed with the unit supervisor, or designee, prior to the arrest. Arrests will not be “made at all costs.” Parole agents shall not exceed the scope of their training and capability to make an arrest. Parole agents shall not take any action that seriously jeopardizes public safety to make an arrest. Use of force shall be in compliance with the use of force policy.

Parole agents should use universal precautions when making physical contact with a parolee to reduce the risk and transmission of communicable diseases regardless of a parolee’s known or unknown infectious status.

### **81030.6 Planned Arrest Procedures**

#### **Parole Agent (Prior to Planned Arrest)**

Reviews planned arrest with unit supervisor.

Presents facts about circumstances surrounding the violation(s).

Recommends whether a suspected violator requires custody.

Presents criminal history with emphasis on potential for weapons and violence.

Advise of anticipated location of arrest and potential interference by others.

Advise of conditions and factors at the anticipated location of arrest that will impact staff and officer safety.

Advise of ideal staging area, if needed.

Contacts other law enforcement agencies to request assistance, if needed.

#### **Unit Supervisor**

Determines which parole agents or other law enforcement agency personnel will assist in the arrest.

Ensures the parole agent contacts other law enforcement agencies for assistance, if needed.

Arranges for call back upon completion of arrest to unit supervisor or, if after hours, to the Administrative Officer-of-the-Day (AOD) or DAPO staff designated by the unit supervisor.

Designates the Parole Agent II (PA II), Supervisor to provide on-scene supervision responsible for the tactical operation and coordination with local law enforcement. In the absence of the PA II, Supervisor, the unit supervisor shall designate a parole agent to supervise the planned arrest.

#### **Parole Agent (Briefing Prior to Arrest)**

Briefs participating parole agents and other law enforcement agency personnel regarding the following:

- Names and descriptions of persons to be arrested, including photographs.
- Reason for arrest and current parole status.
- Arrest history, potential for violence and weapons.
- Information about others living in home or associates who may be present and pose a danger.

Describes or draws picture of arrest location showing escape routes and deploys assisting personnel.

Determines any special equipment needed.

Determines tactics to be used (as person in charge).

Plans route to and from arrest location.

Plans route to nearest hospital or trauma center, if needed.

### **81030.7 Unplanned Arrest Policy**

The parole agent may unexpectedly find a parolee engaged in behavior that calls for an arrest. The decision to arrest may need to be made quickly and without the opportunity to confer with the unit supervisor if delaying the arrest is likely to result in imminent danger to another person. Such an arrest is usually made without assistance and thus potential for injury may be increased. In an unplanned arrest, the parole agent shall adhere to the use of force policy.

### **81030.8 Unplanned Arrest Procedures**

#### **Parole Agent (Immediately)**

Evaluates the following based on information available at the time of discovery:

- Seriousness of violation.
- Necessity to make an arrest at that time.
- Ability to make an arrest successfully without exceeding the scope of training and capability to make the arrest.
- Any alternatives to arrest.
- Danger suspect presents to self or others.
- Location and presence of other persons.
- Ability to leave and return with appropriate assistance.

Takes appropriate action.

### **81030.9 Off-Duty Contact with Wanted Parolees**

If a parole agent encounters or becomes aware of the location of a Parolee-At-Large (PAL) or a wanted parolee for whom a warrant has not yet been issued the agent shall:

Contact the nearest local law enforcement or security personnel and advise them of the location and description of the parolee.

Relay vital information to the local law enforcement or security personnel regarding the parolee’s classification (supervision level, commitment offense, whether the parolee is considered armed and dangerous or has a history of weapons, mental health concerns, etc.), if the parole agent is knowledgeable about that information.

Inform the unit supervisor or AOD of the contact as soon as possible.

Document the contact and any additional information and, if applicable, the disposition on the CDCR Form 1650-D, Record of Supervision, the next working day following the occurrence.

A parole agent’s further involvement in the attempt to locate and arrest the parolee shall be consistent with existing policy as defined in Section 81030 (regarding unplanned arrests), and Section 85030 (regarding on-duty and off-duty status).

### 81031.1 Forced Entry Policy

Pursuant to PC 844, "...a peace officer may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing the person to be, after having demanded admittance and explained the purpose for which admittance is desired."

Force will not be routinely used to enter buildings to arrest a parolee. Forced entry will be used when it is the only reasonable alternative to effect an arrest, to prevent evidence from being destroyed, or when a person's safety or life is at risk. In conducting preplanned arrests and parole searches, forced entry shall be an approved option if factors outlined in this policy at the scene are present. The parole agent shall ensure there are sufficient personnel present to safely effect a forced entry.

#### Parole Agent

When determining if forced entry is a viable alternative, the parole agent shall consider the following:

- If forced entry will enhance safety of the parole agent, law enforcement, parolee, or other persons who might be present.
- If failure to act will result in harm to the parolee or others or evidence being destroyed.

After considering these factors, if forced entry is determined to be the appropriate course of action, the parole agent shall provide a knock and notice and then demand entry before forcing entry. If there is no response to the demand to enter, reasonable force may be used to gain entry.

If sufficient personnel are not present, the parole agent(s) and other law enforcement personnel present shall make efforts to contain the scene and establish a staging area. If another law enforcement agency assumes tactical command of the situation, the parole agent(s) shall follow instructions from the agency in charge of the scene.

### 81031.2 Forced Entry Procedures

Upon completion of the entry and subsequent search or arrest, the parole agent shall:

- Make every reasonable effort to secure the building where forced entry was made.
- Notify the owner/landlord or absent occupant that forced entry was made and note any damage that occurred. Provide owner/landlord/absent occupant with necessary claim form information.
- Advise the owner/landlord/absent occupant that they have a right to submit a request for reimbursement consideration, and provide the Government Claim Form, DGS ORIM 06. Document results and actions on CDCR Form 1650-D.
- Confer with unit supervisor regarding the forced entry that was conducted. The parole agent must be able to articulate the reasons why forced entry was necessary.

#### Unit Supervisor

The unit supervisor shall evaluate the situation and determine whether or not forced entry was appropriate based on the facts and circumstances provided by the parole agent.

### 81031.3 Knock and Notice Warning

Knock and notice is the practice of knocking loudly on a door, notifying the occupants of who is knocking, and then demanding entry. A typical knock and notice is conducted as follows; several audible knocks followed by a statement that clearly and briefly identifies the officers and their purpose for entry, such as:

"State Parole. Parole Search. Demand Entry."

The purpose of the knock and notice is to avoid violent confrontations between peace officers entering the premises and the people who are inside. Knock and notice shall be given prior to entry for all planned arrests and comprehensive searches. When conducting a knock and notice, parole agents may use the term "police" or "state police" to identify themselves.

### 81031.4 Exceptions to Knock and Notice Warning

Knock and notice, prior to exercising forced entry, is not required in the following situations:

- The danger to the parole agent or others would be increased.
- The possibility of evidence being destroyed is increased.
- Someone inside the building is in distress or in need of immediate assistance.
- There is a probability that the person inside will flee.

### 81031.5 Notification to Law Enforcement

After entering a structure by means of forced entry, if local law enforcement was not present at the time of entry, and when it is safe to do so, the parole agent shall notify the appropriate law enforcement agency of the location and type of entry made. This will allow for independent documentation of the forced entry.

### 81031.6 Damages to a Structure

If a parole agent's forced entry into a structure results in damages to the structure, the parole agent shall make available to the owner/landlord/absent occupant the claim form needed to recover repair costs. Parole agents shall take necessary steps to secure the structure upon departure, or ensure that an authorized adult is present to take care and custody of the structure before departing.

### 81031.7 Property Receipt

Pursuant to the California Code of Regulations (CCR), Title 15, Division 3, Section 3600, Search of Parolees, any contraband or evidence of illegal activity shall be seized by the parole agent or law enforcement officer conducting a search of a parolee's person, property, or residence. Property not belonging to the parolee shall be seized only when needed as evidence to support a parole violation charge.

Property seized as evidence by the parole agent shall be documented on a CDCR Form 1136, Evidence Report and Inventory Receipt. A copy of the CDCR Form 1136 will be available to the parolee, a responsible adult, or left at the place of seizure. Property seized by an assisting law enforcement agency does not need to be documented on the CDCR Form 1136. All contraband and evidence shall be processed in accordance with existing evidence procedures.

### 81032.1 Restraint Equipment Policy

A set of handcuffs and carrying case will be issued to all parole agents. Each parole agent shall have handcuffs operational and available for use at all times. Two sets of waist chains and leg irons will be maintained in each parole unit.

Only CDCR-issued restraint gear and equipment that has been authorized by CDCR for use at the discretion of staff shall be issued/assigned to an employee or carried/used by an employee while on duty.

### 81032.2 Restraint Equipment Procedures

#### Parole Agent

Whenever possible, handcuffs person behind the back whenever there is an arrest.

Removes handcuffs only when arrestee is safely in a detention facility, or at the direction of licensed health care clinicians if the arrestee is taken to a hospital prior to booking in a detention facility.

Searches person being arrested for weapons or contraband.

When a restraint device is required, handcuffs, alone or attached to a waist chain, will be the means of restraint normally used.

When a restraint device is applied on a subject, the parole agent must ensure there is constant control and observation of the subject until the restraint device has been removed. Placement of a person on his or her stomach for the time necessary to restrain the person is authorized but shall not be for any period longer than necessary to gain or maintain control.

Restraint devices may be used under the following circumstances:

- When effecting an arrest of a person.
- When transporting a person between locations.
- When a person's history, present behavior, apparent emotional state, or other conditions present a reasonable likelihood that he or she may become violent, cause injury to self or others, or attempt to escape.
- When directed by licensed health care clinicians to prevent a person from attempting suicide or inflicting injury to self.
- To prevent the destruction or concealing of evidence.
- For agent safety.

Restraint devices shall not be:

- Used as punishment.
- Placed around a person's neck.
- Applied in a way likely to cause undue physical discomfort or restrict blood flow or breathing, e.g., hog-tying.

- Used to secure a person to a fixed object except, as a temporary emergency measure. A person who is being transported shall not be locked in any manner to any part of the transporting vehicle.
- Placed on a person during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of a restraint device to avoid the imminent threat of death, escape, serious or great bodily injury, and only for the period during which such threat(s) exist.

#### **81032.3 Medical**

Use of a restraint device by direction of licensed health care clinicians shall be fully documented in the medical file of the restrained person.

Use of restraint devices on a person confirmed or suspected by health care staff to be pregnant shall be subject to the following requirements:

- No leg restraints or waist chains shall be applied.
- If handcuffs are applied, the arms shall be brought to the front of the body for application.
- When transporting a pregnant person, the application of a restraint device shall be restricted to handcuffs and only applied to the front of the person. If the pregnant person is in labor, restraint devices shall not be applied.

When a restraint device is applied on a subject, there shall be constant control and observation of the subject until the restraint device has been removed. Persons who have a disability that prevents standard search methods or application of restraint equipment in the prescribed manner shall be afforded reasonable accommodation under the direction of the field supervisor. Restraint equipment shall be applied to ensure effective application while reasonably accommodating the person's disability.

#### **81032.4 Removal of Parole Hold Policy**

The parole hold shall be removed immediately when a final decision on a parole violation does not require further time in custody, when good cause is found by the local court to revoke parole, or when the unit supervisor concurs with the parole agent's recommendation to continue on parole. Whoever makes the final decision on the violation may approve maintaining the hold until the end of the next working day, if arrangements must be made for an adequate release program.

In no case shall a parole hold be maintained past the parole expiration date or the revocation release date or in any case longer than 90 days.

When a parole hold is removed, the parole hold should not be reissued unless new information has been received that indicates the parolee's behavior meets any of the following criteria:

- (1) The parolee is a danger to the person or property of another.
- (2) The parolee has absconded from parole supervision.

If a removed parole hold is reissued, the parolee shall be given the reasons in writing within three business days following placement of a parole hold.

The unit supervisor or AOD may remove a parole hold when appropriate. Circumstances for this may include, but are not limited to: Facts and circumstances of arrest and placement of the parole hold that do not support continuance of the parole hold, which may result in the determination of an alternative sanction other than a return to custody.

#### **81032.5 Detention of Parolees Beyond the Final Case Disposition**

In order to ensure DAPO parole holds are removed and parolees are released in a timely manner:

The parole agent shall:

- Determine the facility where the parolee is being detained.
- Immediately contact the Warrant Unit by telephone and request for the parole hold to be removed.
- Ensure the parole hold release has been received by the detaining facility prior to the conclusion of the business day.
- Document all calls, persons contacted, faxes, electronic mail, and teletypes sent on the CDCR Form 1650-D.

The unit supervisor shall:

- When it is discovered that a parolee is detained beyond final case disposition (revoke, continue on parole, dismiss, defer for

criminal prosecution), immediately conduct a case conference with the parole agent to ascertain the reason for the continued custody.

- Ensure the parole agent immediately removes the parole hold when warranted and verifies the parolee is released from custody.

#### **81032.6 Retaining Parole Hold Policy**

Once a decision is made at a revocation hearing, the parole hold shall be removed and either the parolee will be released due to time served/continue on parole or the local court will place its own hold if revocation time needs to be served.

The parole agent shall:

- Monitor the case for final disposition.
- Ensure the parole hold is removed and the parolee is released prior to the close of business on the day of final disposition.
- Monitor the case according to case contact specifications, to ensure the parolee is released on or before the Revocation Release Date.
- Document all calls, persons contacted, faxes, electronic mail, and teletypes sent on the CDCR Form 1650-D.

#### **81032.7 Controlling Discharge Date Reached**

When a parolee at a non-CDCR facility reaches his or her Controlling Discharge Date (CDD), the parole agent shall ensure the parole hold is removed prior to the conclusion of the same business day, following verification of the correct CDD. The parole agent shall document all calls and persons contacted when determining the CDD. The parole agent must verify the detention facility received the release instructions and documents on the CDCR Form 1650-D.

#### **81032.8 Out-of-State Parole Holds**

All out-of-state parole holds may only be removed by the Extradition Unit. Once notified of an out-of-state arrest or the availability for extradition of a parolee, the unit supervisor will have one working day to inform the Extradition Unit of the intent not to extradite.

#### **81032.9 After-Hours Parole Hold Releases**

There shall be no parole hold releases by parole agents after the business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, without prior approval by the AOD. The AOD will make the determination regarding the hold and will contact the Warrant Unit for the hold release.

#### **81033.1 Office of Correctional Safety Interest in Custody Case Procedures**

##### **Parole Agent**

Contacts appropriate OCS agent before removing hold.

##### **Unit Supervisor and Office of Correctional Safety Supervisor**

Resolves any difference of opinion regarding continuation of hold.

##### **Parole Agent (Day Hold is Dropped)**

Notifies appropriate OCS agent of revocation term if hold must be removed.

#### **81033.2 Transportation Policy**

An arrested person shall never be secured to any part of a moving vehicle with any type of locking restraint.

#### **81033.3 Transportation Procedures**

##### **Parole Agent**

Assures vehicle is fueled, in safe operating condition, and free of contraband.

Assures handcuffs are double locked and properly applied on arrestee.

Uses waist chains when transporting long distances or from one custody setting to another.

May use leg irons if arrestee is an escape risk or potentially violent.

Secures arrestee with seat belt and, if the transport vehicle has a childproof locking mechanism, it shall be engaged in order to prevent an escape.

A caged vehicle may be used when available to transport a parolee being placed into custody.

A minimum of two parole agents shall be used to transport a parolee being placed into custody or transporting any parolee displaying behavior that presents a risk of harm to officers or the public. Parole agents may case conference with the unit supervisor prior to any transport of a parolee with a special condition of parole to participate in the Parole Outpatient Clinic if they believe two parole agents should be used in the transport in order to enhance parole agent safety.

The parolee shall be placed in the back seat on the passenger side when being transported for custody. At least one parole agent shall sit in the back seat during the transportation of a parolee being placed into custody unless using a caged vehicle.

**81033.4 Cooperation With Other Law Enforcement Policy**

Cooperation with other law enforcement agencies in the arrest or investigation of parolees suspected of new crimes or parole violations is expected of all DAPO employees. Parole agents shall not exceed the scope of their training and capability when cooperating with other law enforcement agencies.

**81033.5 DAPO Initiated Arrest Procedures****Parole Agent**

Reviews proposed arrest with unit supervisor.

Participates in arrest and investigation of parolees suspected of committing new crimes or parole violations.

Shares information with law enforcement.

Requests assistance of other law enforcement agencies in situations where violence or weapons are anticipated (assistance may also be requested in any other situation).

Assumes tactical command of DAPO initiated arrest.

Shifts tactical command to another agency if parole agent believes it is the safest way to handle the situation.

Releases other law enforcement agencies to regular duties as soon as possible.

**81033.6 Other Law Enforcement Agency Initiated Arrest Procedures****Parole Agent**

Evaluates information provided by other law enforcement agency personnel and makes an independent judgment whether a parole violation or criminal act has occurred.

Briefs unit supervisor.

Acts under tactical command of other law enforcement agency when assistance is provided.

**Unit Supervisor**

Determines whether safety of other law enforcement agency personnel or community will be enhanced by parole agent's involvement.

Determines whether parole agent's presence is required by such factors as:

- Ability to identify parolee or other suspects.
- Ability to provide information about parolees or others and about arrest location.
- Ability of parole agent, through contacts with parolee, to alleviate a situation.

**81033.7 Arrest Authorization Assistance Policy**

The parole agent, in emergency situations, may orally summon as many persons as necessary to aid in making an arrest. The authority to summon aid is provided by PC 839.

**81033.8 Department of Motor Vehicles Inquiry Policy**

Emergency Department of Motor Vehicles (DMV) computer inquiries may be made through the Warrant Unit. An emergency is defined as an immediate threat to the safety of persons or property. A parole agent may also contact local law enforcement if there is a contract agreement in place with the local law enforcement agency.

The information available from DMV through the California Law Enforcement Telecommunications System is:

- Vehicle registration by license plate.
- Vehicle registration by name of owner.
- Driver's license by number.
- Driver's license by name.
- Stolen vehicle information.
- Vehicle identification number.
- Parts numbers.
- Automated firearms information.

This list is not inclusive. Region or Warrant Unit staff secures most of the items provided by DMV.

**81033.9 Motor Vehicle Emergency Inquiry Procedures**

The parole agent will make a telephone inquiry to the Warrant Unit, headquarters, and provide the following information:

- Name and badge number.
- Unit and last four digits of home telephone number.
- Kind of vehicle for which plates are being run (i.e., van, truck, motorcycle, automobile, etc.).
- Type of plates (standard plates, environmental plates, or other special plates).
- Advises person taking call that agent will remain on the phone while plates are being run (failure to do this results in a much longer response time).
- Radios request for vehicle information to local enforcement agency if permitted by agreement.

**81034.1 Search Policy**

A parolee's person, residence, and property may be searched pursuant to PC 3067, which states in part, "Any inmate who is eligible for release on parole pursuant to this chapter...shall be given notice that he or she is subject to terms and conditions of his or her release from prison. The notice shall include...an advisement that he or she is subject to search or seizure by a probation or parole officer or other peace officer at any time of the day or night, with or without a search warrant or with or without cause."

The authority and ability to conduct warrantless searches is a valuable tool in the supervision and management of the parolee population. It is the intent of DAPO that these searches are conducted for a lawful purpose and to ensure compliance with the terms and conditions of parole.

The parole agent shall review the Notice and Conditions of Parole with the parolee and provide him or her with a completed copy. A copy of this form shall be placed in the field file and the original shall be forwarded to Parole Case Records.

The Notice and Conditions of Parole, states in part:

"You, your residence, and any property under your control are subject to search or seizure by a probation officer, an agent or officer of the California Department of Corrections and Rehabilitation, or any other peace officer, at any time of the day or night, with or without a search warrant, with or without cause."

**81034.2 Residence Search Procedures**

Prior to searching a parolee's residence, residency must first be established. In most cases, this will be the residence of record that is verified by the parole agent. In other cases, probable cause under totality of the circumstances must exist that the location is the parolee's residence.

Possible observations that may establish probable cause of residency include but are not limited to:

- Parole agent's observation of a parolee entering and exiting a residence in such a manner and fashion that demonstrates the parolee lives at that residence. For example, the parolee utilizes a key upon entry or exit. This observation alone is not enough to establish residency but contributes to the totality of circumstances.
- Parole agent's viewing of current official documents (rental agreement, utility bill, mail, etc.) with the parolee's name and address affixed and the parole agent also articulating other corroborating reasons to believe that the parolee is living at the identified residence.
- Collateral information received from friends, family members, or confidential informants can be used to corroborate the information above but shall not be used as the sole justification for establishing residency.

Whenever possible, the decision to search a parolee's residence will be made after conferring with the unit supervisor. If residency is not established by probable cause through a totality of circumstances, a warrantless search of the location is not authorized. A search will normally be conducted by two or more parole agents or with the assistance of other law enforcement personnel. However, this does not preclude a parole agent from conducting a complete or partial search of the parolee's residence with additional staff with prior supervisory approval and when it is safe to do so.

Only those areas of a parolee's residence occupied solely by the parolee, common areas, parolee's property, or areas in the parolee's immediate control shall be searched without a search warrant. Areas where the parolee has regular and/or unrestricted access may be considered common areas.

A residence occupied solely by a parolee is subject to search in its entirety, with each room, closet, drawer, etc. falling within the legal scope of the search. A residence occupied by a parolee and non-parolee is limited in the scope of the search.

Upon entry, every unsecured room can be inspected to see if there are individuals in the room who could pose a threat to officer safety. This includes rooms identified as not routinely occupied by the parolee or rooms that are not considered common areas. The scope of the search of these rooms will be limited to the



standards set forth in the plain view doctrine, which states that only items discovered in plain view by a law enforcement officer who is present with a lawful purpose, are immediately apparent to the officer, and do not require an overt action on the part of the officer to view, can be seized as evidence. To expand the search in these situations, a warrant may need to be obtained.

#### **81034.3 Clothed Body Searches**

To ensure compliance with the terms and conditions of parole or subsequent to arrest, all parolees are subject to clothed body searches.

Subsequent to arrest, the parole agent shall conduct a clothed body search for weapons and contraband. Searches shall be conducted in a manner consistent with the procedures demonstrated in the Parole Agent Safety and Tactics Training. All searches shall be conducted in a professional manner that avoids embarrassment or indignity to the parolee.

Compliance searches or routine searches of clothed parolees may be performed by employees of either gender. If present, the same gender should be utilized to minimize the effects of opposite-gender contact inherent in searches. The exception would be if there is an articulable need to search for weapons that could pose a threat to staff safety, or exigent circumstances exist that would require a search to prevent the destruction of evidence.

#### **81034.4 Unclothed Body Searches**

A parole agent shall not conduct an unclothed body search of a parolee of the opposite sex except under emergency conditions where life or death consequences are present if the search is not conducted. In addition, whenever possible, unclothed body searches shall be conducted outside the view of others.

#### **81034.5 Pending Revocation**

After a parolee is placed into custody on a parole hold, information may be developed that would warrant the need to search the residence or property of the parolee. Searches of this nature do not require a warrant if the parolee is in custody and pending revocation proceedings. Prior to conducting such a search, the parole agent shall ensure the parolee has not been revoked by the county court. If the parolee has not been revoked, he or she is still subject to his or her conditions of parole and subject to search. Once the parolee has been revoked, the residence is no longer searchable.

#### **81034.6 Suspended Cases**

After a parolee's parole term has been suspended, the listed residence of record is no longer considered searchable due to the offender's parole status alone. Residency must be reestablished based on the criteria described in section 81034.2. Once residency is established, the areas solely under the parolee's control and all common areas are subject to search.

#### **81034.7 Property Receipt**

Any contraband or evidence of illegal activity shall be seized by the parole agent or the law enforcement officer conducting a search of a parolee's person, property, or residence. Property not belonging to the parolee shall be seized only when needed as evidence to support a parole violation charge.

Property seized as evidence by the parole agent shall be documented on a CDCR Form 1136. A copy of the CDCR Form 1136 will be available to the parolee, a responsible adult, or left at the place of seizure. Property seized by an assisting law enforcement agency does not need to be documented on the CDCR Form 1136. All contraband and evidence shall be processed in accordance with existing evidence procedures.

#### **81034.8 Damage Claims**

Anyone who wishes to file a claim against a State department or agency must submit their claim on the Government Claim Form, DGS ORIM 06. These forms can be obtained by calling (800) 955-0045 or via the internet at:

[www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx](http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx).

#### **81035.1 Handling Evidence Policy**

The test of the integrity of the chain of evidence requires that procedures used to seize, record, and store evidence substantiate that evidence presented in any proceeding is actually evidence that was seized at time of search. If local police are assisting in a search, the

parole agent shall aid in the processing of evidence during the search, ensuring that the chain of evidence is maintained, especially when criminal charges are likely to result from the search. The parole agent will then obtain a copy of the police agency's inventory for use in any subsequent revocation or court proceeding. If law enforcement is not assisting in a search, the parole agent shall secure the scene and request the assistance of law enforcement when the following observations are made:

- Evidence of a major crime; i.e., drug trafficking, drug lab, domestic violence, weapons, child pornography, ammunition, spent shell casings.
- Firearms.
- Suspected explosives.
- Suspected criminal activity involving persons other than the parolee.
- Large quantity of United States currency.
- Large quantity of stolen merchandise.

#### **81035.2 Handling Firearms Evidence Procedures**

##### **Parole Agent**

- Visually identifies all potential evidence, ensures the integrity of the evidence is preserved, and immediately contacts the nearest OCS field office or local law enforcement agency having jurisdiction.
- Avoids handling firearms unless it becomes absolutely necessary to prevent jeopardizing agent safety.
- Handles any firearm as if loaded.
- Once the firearm is rendered safe, photographs and records the serial number, make, model number of the firearm, and records the necessary information on the CDCR Form 1136.
- Collects all ammunition and shell casings from the scene and records the necessary information on the CDCR Form 1136.
- Does not move any suspected explosive devices discovered at the scene. If such devices are discovered, immediately clears the residence and area and contacts the respective local law enforcement agency for assistance in securing the device.
- Transports the firearm to the local law enforcement agency that has jurisdiction and submits request for a firearms record check.
- If unable to transport firearm to local law enforcement agency for a firearm records check, transports the firearm and other evidence to the parole unit for delivery to the unit supervisor.

##### **Unit Supervisor**

- The unit supervisor shall receive the firearm as evidence for storage in the evidence locker.
- The evidence will be inventoried and entered on CDCR Form 1221, Evidence Custodian Log-Parole and retained until released to the appropriate local law enforcement agency.

#### **81035.3 Handling Narcotics Evidence Procedures**

Controlled substances/drugs and related physical evidence may consist of large quantities of a controlled substance, drug, or narcotic. Also, trace amounts of controlled substances or drugs may be found on spoons, syringes, scales, or pipes that appear to have been used to inject, manufacture, or distribute controlled substances and drugs.

##### **Parole Agent**

- Collects the controlled substance in a safe manner and records the quantity, appearance, and packaging on CDCR Form 1136.
- Records on the package the name or initials of the person who seized the material and the date and time of seizure.
- Transports the packaged controlled substance to the respective police department, sheriff's office, or other law enforcement agency and submits it in accordance with local procedures.
- If unable to transport the seized narcotics to the respective law enforcement agency, the parole agent shall transport the seized narcotics and CDCR Form 1136 to the parole unit for delivery to the unit supervisor.

##### **Unit Supervisor**

- The unit supervisor shall receive the narcotics with the inventory receipt and store them in the evidence storage locker. The evidence will be inventoried and logged on CDCR Form 1221.
- The unit supervisor shall record on CDCR Form 1650-D all details specific to the collection of any evidence regarding a parolee.

**81035.4 Digital Evidence Defined**

Digital evidence, including photographs, is information and data of value to an investigation that is stored on, received, or transmitted by an electronic device (e.g., cellphone). This evidence is acquired when data or electronic devices are seized and secured for examination.

Seized and secured digital evidence shall be stored utilizing the following mediums:

- CD-ROM
- DVD-ROM
- Thumb Drive
- Memory Stick
- Flash Card
- Cellular Phone Memory Card

**81035.5 Digital/Electronic Device Evidence Procedures**

It is necessary to maintain the integrity of the digital evidence in the event it is needed for criminal prosecution.

Digital evidence requires special collection, packaging, and transportation techniques. Parole agents without the proper training and skills shall defer to law enforcement to explore the contents of or to recover information from digital/electronic devices other than to record what is visible on the display screen.

When conducting a parole search of an electronic device connected to the internet, the parole agent should first disconnect the device from the internet (for example, by putting a cellular phone in "airplane mode"). This will ensure that only the phone's contents are searched. Otherwise, the parole agent may inadvertently search electronic communication information stored on the device that is subject to the protections of the Electronic Communications Privacy Act (ECPA). Information protected by the ECPA requires a search warrant.

Improperly accessing data stored on electronic devices may violate federal and State laws, including the California Electronic Communications Privacy Act. As a first responder, the parole agent may need to obtain additional legal authority before proceeding.

**Parole Agent**

When encountering digital evidence or searching electronic devices, general evidence handling and procedural practices will be utilized. The parole agent shall:

- Visually identify all potential digital evidence to ensure the integrity of the evidence is preserved.
- Collect digital evidence utilizing general evidence handling and procedural practices and record all evidence on CDCR Form 1136.
- Collect components relating directly to identified digital evidence such as display screens, keyboards, mouse, removable storage media, and other peripherals that may hold latent fingerprints or deoxyribonucleic acid and record all evidence on CDCR Form 1136.
- Transport all packaged digital evidence and related physical evidence to the parole unit for delivery to the unit supervisor.

If it is anticipated during the arrest planning/case conference that digital evidence will be encountered, the unit supervisor and/or parole agent must take the necessary steps to ensure the availability of personnel with the appropriate level of technical expertise to process the digital evidence. Any digital/electronic device seized and brought to the parole unit will be inventoried and logged in accordance with the established procedures.

**Unit Supervisor**

The unit supervisor shall receive the evidence for storage in the evidence locker. The evidence will be inventoried and entered on CDCR Form 1221.

**81035.6 Chain of Custody**

Chain of custody refers to the chronological documentation pertaining to the seizure, custody, control, transfer, storage, and disposition of evidence obtained as a result of a parole search.

**81035.7 Parole Agent Procedures**

After seizing evidence, the parole agent shall record the following information on CDCR Form 1136.

- Parolee's name and CDCR number.
- Location of evidence seized.
- Date and time evidence seized.
- Item number and object description.

The parole agent shall retain physical custody of the evidence until turned over to the unit supervisor for secure storage. Upon delivery of the evidence to the unit supervisor for storage, the parole agent shall record the following information in the Chain of Custody section of CDCR Form 1136:

- Name of person from whom the evidence was received.
- Name of unit supervisor to whom the evidence was delivered.
- Time and date evidence was delivered to the unit supervisor.
- Signature of parole agent who released the evidence.

**81035.8 Unit Supervisor Documentation**

Upon receipt of the evidence and CDCR Form 1136, the unit supervisor will record the following information on CDCR Form 1221:

- Parolee's name and CDCR number.
- Date and time evidence received.
- Description of evidence.
- Name of parole agent from whom evidence was received.
- Date and time evidence released.
- Signature of unit supervisor who received the evidence.

The unit supervisor shall retain custody of the evidence until final disposition of the evidence is recorded in the Disposition/Comments section of CDCR Form 1221.

**81036.1 Surveillance Policy**

Surveillance is intended to obtain or verify information about a parolee's behavior in the community. The proper use of surveillance can be effective in gathering information not obtainable through other sources.

The parole agents shall confer with the unit supervisor and other parole agents prior to conducting fixed or moving surveillance. (Moving surveillance is difficult and requires the use of several agents or other law enforcement agency staff with communications equipment.)

Parole agents shall not exceed the scope of their training and capability to conduct surveillance. Parole agents shall not jeopardize public safety to conduct surveillance. Parole agents shall comply with all local and state traffic laws while conducting surveillance.

**81036.2 Surveillance Definitions**

Surveillance is the process of keeping a parolee's person, residence, or vehicle under observation to gain information about their activities, associates, or contacts.

There are three types of surveillance: spot, fixed, and moving.

Spot Surveillance – the observation of a specific location for a short period of time (e.g., driving or walking by to determine current activity, who is present, and potential safety hazards).

Fixed Surveillance – the observation of a specific location for a period of time to determine parolee's associates, traffic to and from location, and whether the location is the parolee's actual residence.

Moving Surveillance – following a specific parolee from place to place to secure information about parolee's activities. Moving surveillance can be conducted on foot or in a vehicle.

**81036.3 Surveillance Procedures****Parole Agent**

The parole agent obtains unit supervisor approval prior to conducting spot or fixed surveillance for greater than 15 minutes or moving surveillance for any amount of time.

- The approval, along with the outcome of the surveillance shall be noted on CDCR Form 1650-D.
- The AOD shall be contacted before beginning fixed or moving surveillance after normal business hours, if the unit supervisor is unavailable.

The parole agent presents sufficient information regarding surveillance to allow the unit supervisor to allocate resources:

- Reason for parolee surveillance.
- Supervision category.
- Prison gang member or affiliate.
- Suspected large scale drug sales or transportation.

- Violent behavior or sexual offenses.
- Suspected large scale property or fraud offenses.
- Organized crime activities.
- High risk PAL cases.
- Expected outcome of surveillance.
- Location of surveillance.
- Duration of surveillance.
- Other participants in the surveillance activities.

The parole agent shall ensure local law enforcement is contacted during fixed or moving surveillance to ensure the agency is aware of DAPO surveillance activities. If circumstances warrant notification during surveillance, the parole agent shall contact the local law enforcement agency to advise them of the surveillance activities.

#### **Unit Supervisor or Administrative Officer of the Day**

Reviews request to conduct surveillance.

Specifies duration and type of surveillance to be conducted.

Instructs parole agent to notify unit supervisor or AOD upon completion of surveillance.

#### **Parole Agent**

Contacts unit supervisor when the surveillance is completed.

#### **81036.4 Pretext Interview Policy**

A pretext interview is an interview where a false identity is used to obtain information that would not be given if the parole agent's identity were known. Trademarks or equipment of a company or organization shall not be used in a pretext interview without consent. A pretext interview may not be conducted to gain entry, arrest, search, or secure a confession. Pretext interviews shall not be attempted with persons who cannot legally or morally disclose information.

#### **81036.5 Pretext Interview Procedures**

##### **Parole Agent**

Reviews case with unit supervisor to evaluate need for pretext interview.

Identifies specific people involved and information to be secured.

Determines false identity to be used.

Establishes specific time frame.

Documents the results of interview on CDCR Form 1650-D.

#### **81036.6 Referral to District Attorney for Prosecution Policy**

When a parole agent discovers a major crime, it shall be brought to the attention of the local law enforcement agency having jurisdiction so that the agency can pursue the investigation and subsequent criminal prosecution. However, if police are not available, it may be more appropriate for the parole agent to continue investigation and make a subsequent referral to the District Attorney (DA). The parole agent shall consider the following factors before deciding to make the referral:

- Determine which agency has the majority of the information relative to the crime.
- The reasons local law enforcement is unwilling to prosecute.
- Likelihood of successful prosecution.
- The nature of instant offense(s).
- Availability of parole agent's time and resources to continue investigation.

#### **Local Requirements**

Local requirements for criminal prosecution vary. Parole staff need to determine what is required for prosecution by the DA and the time limits for referring such cases.

Issues to be addressed to support criminal prosecution are:

- Elements of each crime to support charge(s) that a crime has occurred (list crimes committed by PC sections and titles).
- Reasonable belief, probable cause, or circumstantial indicators if a felony charge is to be filed.
- The parole agent must have personally observed the crime or a complaining victim or witness must have observed the crime if a misdemeanor charge is to be filed.

- Evidence to link parolee to crime and how it ties to parolee.
- Witnesses and facts to which they can testify ( a short summary shall be prepared outlining facts of crime, names and addresses of witnesses, and their willingness to cooperate in investigation and to testify in subsequent court proceedings).

#### **Legal Issues**

The following legal issues are to be included in the parole agent's report to the DA:

- Basis for parolee's arrest.
- Relationship between parole agent and parolee (e.g., parolee is a member of parole agent's caseload).
- Parole agent's peace officer powers as defined in PC 830.2 or 830.5.
- An explanation of whether arrest notice was given and whether parole agent complied with PC 844 (knock and notice requirement).
- The point during investigation when Miranda Rights were given (if not given, the reason must be explained).
- Circumstances under which a parolee's statement or confession was taken. (Was it voluntary? Made under duress or coercion? Were promises made? Was it signed and dated?)
- Conditions under which a search was conducted and authority for the search. If police were involved, whether they assisted a parole agent or whether a search warrant was issued. If a parole agent initiated the search, the information relied upon for reasonable belief to search.
- Circumstances under which any evidence was seized and which agency conducted the analysis, the type of analysis (drug, fingerprint match, handwriting), and the results.

#### **81036.7 Referral to District Attorney for Prosecution Procedures**

##### **Parole Agent and Unit Supervisor**

Conduct case review to determine if case should be referred for prosecution.

##### **Parole Agent**

Advises parolee of rights and obtains statement using parolee's own words. If parolee grants permission to tape the statement, the date statement was taken, the fact that permission to tape was granted, and a summary of the tape's contents shall be included.

Prepares and submits CDCR Form 2278, Arrest Report, to the DA's Office for prosecution, including all required information and attachments.

- Any known inconsistencies in the case will not be included in the memorandum, but will be discussed in person with staff from the DA's Office.

Forwards copy of the parolee's criminal investigation and identification arrest record along with the referral for prosecution.

#### **81036.8 Revision**

The DAPO Director or designee shall ensure that this section is current and accurate.

#### **81036.9 References**

PC §§ 830.2, 830.5, 839, 844, and 3056.

CCR (15) (2) §§ 2511; CCR (15) (3) 3268, 3600.

Evidence Code §§ 1 – 670.

### **ARTICLE 4 — RESERVED**

### **ARTICLE 5 — SPECIAL INCIDENT REPORTS**

*Revised January 30, 2017*

#### **81050.1 Policy**

Incidents, events and activities that involve offenders under the supervision of the Division of Adult Parole Operations (DAPO) shall be reported to the Division Director as described in this article.

#### **81050.2 Purpose**

This article defines staff responsibility and provides procedures and criteria for reporting incidents.

#### **81050.3 Daily Report**

The Director, DAPO, shall be notified via the procedures in this article of any behavior by an offender under DAPO's jurisdiction who receives major media attention or which is likely to stimulate significant interest because the behavior is

notorious, bizarre, or meritorious. Major media attention involving DAPO programs, services, or enforcement operations that do not focus on a specific offender(s) shall also be reported.

Timely and factual information shall be provided to the Director in accordance with this article to ensure proper responses to administrative, media, and legislative inquiries.

Any critical or significant incidents that occur during normal business hours shall be immediately reported by telephone to the Regional Parole Administrator (RPA) through the chain of command. When information is received after normal business hours, the unit supervisor or Administrative Officer of the Day (AOD) shall immediately contact the RPA or Chief Deputy Regional Administrator (CDRA) by telephone.

#### **81050.3.1 Incidents to be Included in the Daily Report**

- Any occurrence that generates media attention related to a specific offender, offenders in general, or DAPO. Media articles such as arrest logs in a local media source, general "police blotter" listings, or social media posts by a law enforcement agency that identify an offender being arrested that do not contain specific details regarding an offender or parole activities are not required to be reported.
- Any incident involving the discharge of a firearm by DAPO staff, other than approved departmental training.
- Any incident where DAPO staff used force, other than the use of only physical strength and holds to hold an offender in place.
- Any incident in which force was used against an offender by another law enforcement agency that resulted in the death or serious injury of the offender.
- Any conduct by an offender that results in the death or serious injury of any law enforcement officer or other person in the community.
- All incidents of death of a DAPO staff member, except those determined to be natural causes occurring while off-duty.
- All incidents of death of an offender, except those determined to be by natural causes.
- All assaults on DAPO staff.
- Significant public appearances and speeches given by DAPO staff acting as a representative of DAPO, such as appearances, speeches, and/or testimony at:
  - City Council meetings.
  - County Board of Supervisors meetings.
  - State Legislature hearings.
- Supplemental information from previous incidents.

#### **81050.3.2 Reporting Significant Events for Lifers**

The following significant events shall be reported to the DAPO Policy and Procedures Unit for inclusion in the Daily Report:

- A lifer transitions from stable housing to transient status or resides in a homeless shelter.
- A lifer is terminated from stable employment.
- A lifer's whereabouts become unknown and parole is suspended.
- A lifer is arrested.
- A lifer is reinstated on parole.
- A lifer receives a remedial sanction for a violation.
- A lifer is returned to prison with "lifer inmate status."
- A lifer is sentenced to a new prison term.

#### **81050.4 Daily Report Lines of Responsibility**

##### **Unit Supervisor or Assistant Unit Supervisor**

Submission of information for inclusion in the Daily Report shall not be delayed in an effort to gather additional information. No later than 0840 hours each business day, the unit supervisor or assistant unit supervisor shall complete the following:

- Verify any potential reportable incident from their assigned parole unit by conferring with parole unit staff, reviewing local media (e.g., newspapers, internet sites, and television stations),

and reviewing arrests of offenders that occurred after business hours.

- The information shall include, if known:
  - The name, CDC number, and California Static Risk Assessment score of the parolee(s) involved in the incident.
  - Assigned parole unit(s).
  - Name and classification of any California Department of Corrections and Rehabilitation (CDCR) staff involved.
  - A brief summary of the incident.
  - The names of outside agencies involved, and their role in the incident, if applicable.
  - The names of the media organizations that may have reported or will likely report the incident, if applicable.

After the information is compiled, submit the information to the Regional Daily Report Coordinator via electronic mail.

Any incidents that occur during normal business hours, yet following the submission of the Daily Report, shall be immediately reported by telephone to the RPA through the chain of command, and via an additional electronic mail to the Regional Daily Report Coordinator. If no reportable incidents have occurred, the unit supervisor or assistant unit supervisor shall send an electronic mail to the Regional Daily Report Coordinator stating that there are no reportable incidents. All telephone contacts shall be followed up with a written summary of the incident for inclusion in the Daily Report no later than 0840 hours the next business day.

After completion of the electronic mail to the Regional Daily Report Coordinator, the unit supervisor, or designee, shall ensure a complete Field Incident Report package, using the forms described in section 81050.4.1, is completed and submitted to the RPA through the chain of command within 24 hours of notification of a reportable incident. If the package cannot be completed within 24 hours, the unit supervisor or designee shall document the reason for the delay on the CDCR Form 1662-A, Field Incident Report: Part A-Cover Sheet.

##### **Regional Daily Report Coordinator**

No later than 0850 hours, the Regional Daily Report Coordinator shall compile the information from each parole unit and submit it via electronic mail to the DAPO Policy and Procedures Unit, [ParolePolicyandProcedureUnit@cdcr.ca.gov](mailto:ParolePolicyandProcedureUnit@cdcr.ca.gov). Any reportable incidents that occur during business hours but after the submission by the Regional Daily Report Coordinator shall be immediately reported by telephone to the Regional Parole Administrator through the chain of command. The Regional Daily Report Coordinator shall submit a supplemental electronic mail to the DAPO Policy and Procedures Unit no later than 1630 hours. Information received after 1630 hours shall be included on the following business day's Daily Report.

##### **Policy and Procedures Unit Staff**

Policy and Procedures Unit staff shall prepare the Daily Report for the DAPO Director, and other staff designated by the DAPO Director, under timeframes and in a format prescribed by the DAPO Director.

#### **81050.4.1 Field Incident Report Package Forms**

The Field Incident Report package consists of the following forms:

- CDCR Form 1662-A, Field Incident Report: Part A-Cover Sheet
- CDCR Form 1662-B, Field Incident Report: Part B-Parolee Summary Information
- CDCR Form 1662-C, Field Incident Report: Part C-Employee Report
- CDCR Form 1662-C1, Field Incident Report: Part C1-Supplement Page

#### **81050.5 Confidential Report**

The following incidents are confidential and shall not be reported via Daily Report procedures:

- Investigations of DAPO staff.
- Threats against DAPO staff.
- DAPO staff misconduct or neglect requiring adverse action, as defined in Chapter 3, Article 22.
- Arrests of DAPO staff.
- Search warrants served on DAPO staff.
- When these incidents occur, they shall be reported to the RPA or CDRA through the chain of command. These incidents shall be reported on a CDCR Form 1617, Memorandum by the supervisor(s) of the affected DAPO staff.

**81050.6 Threats Against Public Officials or Their Families**

Any written or oral threat by an offender that threatens the life of, or serious bodily injury to, the President or Vice-President of the United States; the Governor of California; other state, county, or city officials; other officials; appointees of the Governor; BPH Commissioners and Deputy Commissioners; state or county judges; or any person related to the official by blood or marriage, shall be immediately reported and addressed with the following lines of responsibility and notifications.

**81050.6.1 Threats Against Public Officials Notification Procedures****DAPO Staff Who Receive the Threat**

All DAPO staff shall immediately report all threats received against a public official to their supervisor. The reporting employee shall complete the CDCR Form 1662-C and CDCR Form 1662-C1 within 24 hours of the receipt of the threat. The CDCR Form 1662-C and CDCR Form 1662-C1 shall document the following:

- Circumstances of threat: including the date, time, and location of threat.
- Details and circumstances relating to the threat; report shall also include information in the narrative section regarding what may have led to the offender's involvement in the incident.
- Source of information regarding the threat (if in written form) or a verbatim statement of the threat (if made verbally) shall be included in the report.

**Parole Agent**

- If the offender's location is known, arrest the offender in accordance with DAPO policy and procedures and book the offender into the county jail with the appropriate hold for the type of offender.
- If the offender's location is unknown, request an arrest warrant from the superior court for the county in which the offender is being supervised (or from the sending state) in accordance with current DAPO and county court policies and procedures for obtaining an arrest warrant.

**Unit Supervisor**

The unit supervisor or designee shall document the incident on the CDCR Form 1662-A, and the CDCR Form 1662-B. Both forms shall be completed within 24 hours of the discovery of the threat.

The forms shall document:

- Synopsis of threat.
- Parties involved.
- Name and title or position of staff member who received the threat.
- If the threat was from an offender, name and location of the offender making the threat, CDCR number, parole term status, and California Static Risk Assessment score at the time of the incident.
- Date received by CDCR.
- County of commitment.
- Commitment offense(s).
- Date paroled, or date DAPO supervision began.
- Discharge date.
- Special condition(s).
- Arrest and conviction history.
- Offender adjustment. Short summary of the offender's behavior while under DAPO supervision that may relate to the threat (A detailed review of the offender's adjustment is not required).
- Supervision category.

**81050.6.2 Threats Against Public Officials Mandatory Notification Procedures**

When DAPO staff receive a threat against a public official from an offender, the unit supervisor shall designate a parole agent to immediately complete the following telephone notifications. In addition to the notifications in the table below, the Chief of the Office of Correctional Safety shall be notified as soon as operationally

feasible. These notifications shall be recorded on the CDCR Form 1650-D, Record of Supervision. The notified agency or agencies shall depend on the subject of the threat, according to the following:

Subject of threat:	Agency or agencies to be notified:
President or Vice President of the United States	United States Secret Service (nearest field office)
All other federal public officials (e.g., Congressperson, federal court magistrates, federal appointed positions, and federal employees)	<ul style="list-style-type: none"> <li>• Federal Bureau of Investigation (nearest field office)</li> <li>• United States Marshals Service (nearest field office)</li> </ul>
Governor of the State of California, all other state elected officials, state appellate court judges, state supreme court judges	California Highway Patrol, via any of the following: <ul style="list-style-type: none"> <li>• Emergency Notification and Tactical Alert Center, <i>if information or evidence indicates the threat is imminent</i></li> <li>• Capitol Communication Center (916) 445-2895</li> <li>• Threat Assessment Unit (916) 327-5451</li> <li>• Protective Services Division (916) 323-1514</li> </ul>
Board of Parole Hearings' staff	<ul style="list-style-type: none"> <li>• Office of the Board of Parole Hearings' Executive Officer</li> <li>• Board of Parole Hearings, Offender Investigations and Screening Division, Officer of the Day</li> </ul>
County court judges, commissioners, and local officials	County Sheriff's Department, or agency employing the official.

**81050.6.3 Entering Threat Information Into The Strategic Offender Management System**

Within five business days of the day DAPO staff receive a threat, the parole agent shall add a Supervision Caution in the Strategic Offender Management System noting threats towards a public official.

**81050.6.4 Ongoing Notification Requirements**

When an offender under DAPO supervision has previously made a threat towards a public official, the parole agent shall make the following notifications:

- If the offender absconds, a synopsis of the threat incident shall be documented in the warrant request, and the agency or agencies notified when the threat was made shall be notified that the offender has absconded.
- When the offender discharges from parole, the agency or agencies notified when the threat was made shall be notified.

**81050.7 Reporting Suspected Involvement in Terrorist Activity**

Terrorism is defined in federal law as acts dangerous to human life that violate federal or state laws and are intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping.

When a parole agent has reasonable suspicion that an offender's activities indicate the offender may become involved in any terrorist activity, the parole agent shall conduct a case conference with the unit supervisor. The parole agent shall document the evidence of reasonable suspicion and case conference on the CDCR Form 1650-D. If the unit supervisor concurs, the parole agent shall:

- Immediately notify the nearest Federal Bureau of Investigation field office if there is evidence of an imminent threat.
- Notify the Office of Correctional Safety, Criminal Intelligence and Analysis Unit, Terrorism Liaison Officer if there does not appear to be an imminent threat.

The parole agent shall continue to supervise the offender and shall not take any action that may interfere with another law enforcement agency's investigation of the offender.

If the unit supervisor does not concur, the parole agent may still provide notifications to the appropriate agency or agencies responsible for handling terrorism investigations as a concerned citizen.

### **81050.8 Forwarding of Field Incident Reports to Division Headquarters**

The regional Daily Report Coordinator shall ensure that all completed Field Incident Reports, including reports described in this article, as well as Use of Force reports, are forwarded to the Fidelity Assurance and Outcomes unit via electronic mail, to: FidelityAssuranceandOutcomesUnit@cdcr.ca.gov.

### **81050.9 Revision**

The DAPO Director or designee shall ensure that this section is current and accurate.

### **81050.10 References**

PC § 76  
18 U.S.C. § 2331

## **ARTICLE 6 — INTERSTATE PROCEDURES**

*Revised November 3, 2016*

### **81060.1 Interstate Policy**

California is a member of the Interstate Compact for Adult Offender Supervision. This compact is the legal authority that permits an offender convicted of a crime in one state (sending state) to be supervised in another state (receiving state).

Compact Offenders shall receive similar services as California parolees and shall be supervised in the same manner as a California parolee. The California Department of Corrections and Rehabilitation (CDCR) does not have the authority to place Compact Offenders in a California prison. If any section within Article 6 is in conflict with the published rules of the Interstate Commission for Adult Offender Supervision (ICAOS), the published rules of the ICAOS shall prevail. Any conflict that cannot be resolved shall be referred to the Interstate Compact Unit (ICU) for clarification.

### **81060.2 Interstate Definitions**

#### **California Adult Compact Administrator**

The Director, Division of Adult Parole Operations (DAPO), or designee.

#### **Cooperative Parolee**

A person under supervision according to the provisions of the Interstate Compact for Adult Offender Supervision.

#### **Interstate Commission for Adult Offender Supervision**

The ICAOS is charged with overseeing the day-to-day operations of the ICAOS. Rules promulgated by the ICAOS shall have the force and effect of statutory law and shall be binding in the compacting states.

#### **Interstate Compact for Adult Offender Supervision**

A formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. California's participation is authorized by the Penal Code (PC). For purposes of this Article, this shall be herein referred to as "The Compact."

#### **Interstate Compact Offender Tracking System**

The internet-based electronic database used by all parties of the ICAOS for communication and the sending and receiving of ICAOS official forms. The ICU staff are responsible for accessing and using the Interstate Compact Offender Tracking System (ICOTS) in accordance with ICAOS rules.

#### **Interstate Compact Unit**

The ICU, located at DAPO Northern Region Headquarters, coordinates functions of ICAOS.

#### **Resident**

A person who:

1. Has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
2. Intends that such state shall be the person's principal place of residence; and
3. Has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six

months or more with the intent to establish a new principal place of residence.

#### **Sending State**

The state requesting the transfer of an offender or that transfers supervision of an offender, under the terms of the ICAOS and its rules.

#### **Receiving State**

The state to which an offender requests transfer of supervision or is transferred.

#### **Strategic Offender Management System**

The main CDCR database for storage of offender records.

#### **Significant Violation**

An offender's failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

#### **Non-Significant Violation**

An offender's failure to comply with the terms or conditions of supervision that do not result in the offender's arrest.

### **81060.3 Interstate Areas of Responsibility**

The Compact Administrator is responsible for implementing the following functions through the ICU under provisions of the Compact:

- Administrative control of California parolees who are under the supervision of other states or in custody (state or federal) outside California [excluding Parolee-at-Large (PAL) cases].
- Acceptance, rejection, or termination of supervision of an offender under the Compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- Informal assistance to CDCR staff and staff of other agencies supervising the offenders of other states.
- Process request for supervision of offenders from sending states requesting supervision in California.
- Process states' requests for information and disseminate to the appropriate parole unit.
- Assistance to CDCR staff and staff of other agencies in processing reports on California parolees confined in other states.
- Process extradition/retake requests.
- Transmission of violation reports and other notices to sending and/or receiving states

### **81060.4 Distribution of Interstate Forms**

All ICAOS forms referred to in this article shall be placed on the department intranet site and accessible to the parole units, regional headquarters, and department headquarters. ICAOS forms are created and managed by the ICAOS and distributed to the states. DAPO staff shall use ICAOS forms to communicate with other states via the ICU. DAPO staff shall send all ICAOS forms electronically to ICU via the ICU electronic mail address: INTERSTATEPAROLE@cdcr.ca.gov.

### **81060.5 Compact Parolee Transfer Acceptance Policy**

No state shall permit an offender who is eligible for transfer under this Compact to relocate to another state except as provided by the rules of the ICAOS. California is not required to accept all transfer requests. Legal residents of California, or offenders with family residing in California who can locate employment may be accepted for Compact supervision. Offenders who are not residents or do not have family residing in California must have a compelling circumstance to be accepted for Compact supervision. An offender who is not eligible for transfer under the Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

#### **81060.5.1 Supervision Conditions Prior to Transfer**

A sending state shall inform the receiving state of any special conditions which the offender is subject to at the time the request for transfer is made or at any time thereafter. A receiving state that is unable to enforce a special condition imposed in the sending state shall notify the sending state of its inability to enforce a special condition at the time of request for transfer of supervision is made. The receiving state's inability to enforce a sending state's conditions/terms of supervision is not grounds for a Compact supervision denial.

#### **81060.5.2 Mandatory Acceptance Criteria**

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the Compact and the receiving state shall accept transfer, if the offender:

- Has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- Has a valid plan of supervision; and
- Is in substantial compliance with the terms of supervision in the sending state; and
- Is a resident of the receiving state; or (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and (2) can obtain employment in the receiving state or has means of support.

The receiving state shall accept an offender for supervision from the sending state when:

- An offender who is a member of the United States military and has been deployed to the receiving state, shall be eligible for reporting instructions and transfer of supervision.
- An offender who lives with an immediate family member or spouse who is in the United States military and who has been deployed to California.
- An offender whose family member, with whom he or she resides, is transferred to another state by their fulltime employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in California, and that the family will continue to support the Compact Offender.
- An offender who was transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
- An offender who is a veteran of the United States military who is eligible to receive care through the United States Department of Veteran's Affairs and is referred for medical or mental health care to a Department of Veteran's Affairs facility or contractor in California.

In all of these situations, the sending state shall provide documentation with the transfer request confirming the employment or need for care in the receiving state.

#### **81060.5.3 Compact Offenders Transfer Procedures**

##### **Interstate Compact Unit Staff (Within Three Days of Receipt)**

Refers the transfer request from the sending state to the appropriate parole region for parole unit assignment.

##### **Regional Re-Entry Unit Screening Staff (Within Two Working Days of Receipt)**

Provides the ICU with a parole unit assignment based on the offender's proposed residence.

##### **Parole Agent**

Investigates transfer request to determine whether it meets acceptance criteria based on current ICAOS rules.

Investigates proposed residence and determines:

- If the occupants of the proposed residence are willing to have the offender reside with them there is a valid plan of supervision.
- If the sponsor(s) has the means and a willingness to assist the offender while in California.
- If any item or person already residing in the proposed residence would result in a violation of the law, jeopardize public safety, or a violation of conditions of parole necessary for supervision in the State of California, e.g., an occupant in the proposed residence storing a firearm in the proposed residence.
- If the sending state's offender's conviction requires registration per PC 290 in California, and if the proposed residence is compliant with current sex offender residence requirements.

Investigates proposed employment and/or training program(s) and determines:

- If, based on the nature of the offender's criminal history, the proposed employment or training program is inappropriate and will likely lead to future criminality.

- If the offender's proposed job and/or training duties will result in a violation of California law or conditions of supervision imposed by the sending and/or receiving state.

- If prospective employer is aware of the offender's criminal background.

Determines if special circumstances exist which will allow acceptance of a case that does not meet criteria.

The parole agent shall document the steps of the investigation on the CDCR Form 1650-D, Record of Supervision.

##### **(Within 14 Calendar Days of Receipt of Case)**

Completes "Reply to Transfer Request" ICAOS form. On this form the parole agent shall state reporting instructions if case is accepted; or state the reason for rejection if case is rejected based on current ICAOS rules.

Provides CDCR Form 1650-D, Record of Supervision and completed "Reply to Transfer Request" ICAOS form to the Unit Supervisor (US) for review and signature.

##### **Unit Supervisor**

Reviews the "Reply to Transfer Request" ICAOS form and investigation material and takes following actions:

- Conducts a verbal case conference with the parole agent to resolve any differences of opinion.
- Signs and distributes "Reply to Transfer Request" ICAOS form.
- Signs and returns "Reply to Transfer Request" ICAOS form to ICU for processing to sending state.
- The "Reply To Transfer Request" ICAOS form must be received by ICU no later than 14 calendar days from the day the ICU sent the transfer request to the parole unit.

##### **Interstate Compact Unit Supervisor**

Reviews transfer investigation package and:

- Makes final determination based upon current ICAOS rules whether a case is accepted or rejected for supervision.
- Forwards "Reply to Transfer Request" ICAOS form, with reporting instructions if the case is accepted, to the sending state via the ICOTS system.
- In order to maintain compliance with the rules of ICAOS and DAPO policy, reserves the right to accept the case on a parole unit's behalf if the "Reply to Transfer Request" is not received by ICU within specified timelines as described in this article.

##### **Assigned Parole Agent**

If the offender does not report within five business days of the specified reporting instructions and California has received notice of the offender's departure, the parole agent shall submit a "Notice of Arrival/Failure to Report" ICAOS form to ICU.

#### **81060.6 Compact Offenders Case Supervision Policy**

Compact Offenders shall be supervised in a manner determined by the receiving state and consistent with the supervision of other similar offenders sentenced in the receiving state. A Compact Offender shall be supervised with the same specifications according to the California Parole Supervision Reintegration Model (CPSRM); or if the Compact Offender is required to register per PC 290, according to the specifications of the Sex Offender Management Program (SOMP).

##### **81060.6.1 Compact Offenders Case Supervision Procedures**

##### **Parole Agent (When a Compact or Concurrent Case Reports)**

Completes CDCR Form 1650B, Initial/Comprehensive Interview.

Creates case-specific Notice of Conditions and Special Conditions of Parole in the Strategic Offender Management System (SOMS), and serves the Compact Offender when the offender reports in the same manner as a California parolee.

Completes "Notice of Arrival" ICAOS form, specifying the effective date as the date the offender reports to the parole unit, or the date on which case is accepted, if the offender is already in California.

Sends "Notice of Arrival" ICAOS form directly to the ICU.

#### **Unit Supervisor**

Enters the "Notice of Arrival" supervision event in SOMS.

#### **Interstate Compact Unit Staff**

Enters case openings, closings, and transfers into SOMS and ICOTS.

Enters the "Notice of Arrival" ICAOS form into ICOTS specifying the effective date as the date the offender reports to the parole unit or the date on which the case is accepted if offender is already in California.

#### **Parole Agent**

Supervises case in accordance with the DAPO CPSRM or SOMP. Annually, commencing one year after the Compact Offender's arrival in California, completes a "Progress Report" ICAOS form, to be sent to the sending state via the ICU. The annual "Progress Report" ICAOS form shall be submitted to the ICU 20 calendar days prior to the annual due date.

Progress Reports shall also be completed at any time upon request of the sending state and submitted to the ICU within 20 calendar days of the request.

Closes case by completing, "Case Closure Notice" ICAOS form, and submits the form to the sending state via the ICU whenever any of the following occurs:

- The date of discharge indicated for the Compact Offender at the time of application for supervision unless informed of an earlier or later date by the sending state.
- The absconding of the Compact Offender from supervision in the receiving state.
- The Compact Offender has been sentenced to incarceration for 180 calendar days or longer. In this case, the parole agent shall submit sentencing documents and information about the Compact Offender's location to the ICU.
- Discovery of the death of the offender.
- The Compact Offender returns to the sending state.

The parole agent shall continue supervision of the Compact Offender until ICU closes the case in SOMS. After closure, the parole unit shall maintain the field file according to current DAPO policy.

#### **81060.6.2 Obtaining Fingerprints, Palm Prints, and DNA Sample Policy**

Offenders accepted for supervision in California are required to submit fingerprints, palm prints, and Deoxyribonucleic Acid (DNA) samples pursuant to PC 296.1(a)(5)(A). If a Compact Offender refuses to comply with instructions to submit the sample, this shall be considered a significant violation. Pursuant to PC 296.1(a)(5)(B), the samples must be obtained at the county jail, or other location designated by the county, in the county where the Compact Offender resides within five calendar days of reporting to DAPO. If the county refuses to obtain the samples, at no fault of the Compact Offender, this shall not be considered a violation. After reasonable attempts, if county jail staff will not obtain the samples, the parole agent shall obtain the fingerprints, palm prints, and DNA sample in the same manner as a California parolee.

#### **81060.6.3 Obtaining Fingerprints, Palm Prints, and DNA Sample Procedures**

##### **Parole Agent**

- During the initial interview, the parole agent shall instruct the Compact Offender to report to the county jail or other designated location for palm prints and DNA sample collection.
- Record interactions with county jail staff and efforts made to coordinate obtaining the samples on the CDCR Form 1650-D.
- If the county staff are unable to obtain the sample, the parole agent shall obtain the fingerprints, palm prints, and DNA sample in the same manner as a California parolee.
- Document on the CDCR Form 1650-D.
- The fingerprint card shall be mailed to ICU.

- The DNA sample shall be submitted to the location designated by the California Department of Justice.

#### **81060.7 Compact Offenders Conditions of Parole**

Compact Offenders are subject to supervision conditions of both the receiving and sending state. When the offender signs the Offender's Application For Interstate Transfer" ICAOS form and the case is accepted, it is understood under the Compact that the offender must obey rules of receiving state as well as rules of sending state. At the time of acceptance or during the term of supervision, the compact administrator or supervising authority in the receiving state may impose a special condition on a Compact Offender if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state. Compact Offenders who violate the supervision conditions of either state, or who are a danger to others, themselves, or to property of others, shall be placed in custody under a California Interstate Parole Hold (PC 3056/11177.1).

##### **81060.7.1 Changes to an Offender's Supervision Conditions**

A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, the nature of the special condition, and the purpose.

#### **81060.8 Compact Offenders Transfer Between Parole Units Policy**

Procedures for transferring Compact Offender cases between parole units are not subject to county of last legal residence policies. Transfer will only be made on the basis of an approved residential, employment, or education program and shall be processed in the same manner as transfers of parolees between parole units in different counties; however, a closed county shall accept a Compact Offender if an otherwise valid reason for the transfer exists.

##### **81060.8.1 Compact Offender Transfer Between Parole Units**

###### **Parole Agent**

Prepares transfer summary on the Electronic Transfer Investigation Request function in SOMS.

##### **81060.8.2 Compact Offenders Transfer and Travel to Subsequent State Procedures**

###### **Parole Agent**

At the request of a Compact Offender to transfer to a subsequent receiving state, the parole agent shall:

- Assist the sending state in acquiring the Compact Offender's signature on the "Application for Interstate Compact Transfer," ICAOS form and any other forms that may be required by the rules of ICAOS.
- Complete a "Progress Report" ICAOS form.
- Submit the forms to ICU for transmission to the sending state.
- Upon notification that the subsequent transfer has been approved and receipt of reporting instructions from the sending state, issue a travel permit according to current DAPO policy and consistent with ICAOS rules and provide to the Compact Offender.
- Submit the "Notice of Departure" ICAOS form to ICU after the Compact Offender leaves California.

##### **81060.8.3 Compact Offenders Move to Third State Without Permission Procedures**

###### **Parole Agent**

A Compact Offender under DAPO supervision who moves to a subsequent state without permission from the sending state shall be considered at large and the parole agent shall proceed according to 81060.8.4.

##### **81060.8.4 Compact Offenders-At-Large Procedures**

If there is reason to believe that a Compact Offender has absconded, the parole agent shall attempt to locate the Compact Offender in the same manner as a California parolee. Such activities shall include, but are not limited to:

- Conducting a field contact at the last known place of residence;
- Contacting the last known place of employment, if applicable;
- Contacting known family members and collateral contacts.

###### **Parole Agent**

When probable cause exists that a Compact Offender has absconded, within one working day the parole agent shall complete the "Offender Violation Report" ICAOS form and the "Case Closure Notice" ICAOS form, stating the evidence of absconding, documenting the steps taken to locate the Compact Offender, and submit the form to the US. On the form the parole agent shall request a warrant issued by the sending state. The parole agent shall also document steps taken to locate the Compact Offender on the CDCR Form 1650-D.



**Unit Supervisor**

The US shall review the “Offender Violation Report” ICAOS form and sign underneath the parole agent. The report shall then be submitted to ICU electronically.

**Further Procedures**

Once the sending state issues a warrant for the Compact Offender’s arrest, the parole unit shall retain the field file indefinitely in the event the Compact Offender is arrested in California.

**81060.9 Compact Offender’s Violation Addressed with Remedial Sanctions Procedure**

Pursuant to PC 11177.1, PC 11180, and ICAOS Rule 4.109-1, CDCR has the authority to impose conditions of parole and instructions as needed to address a violation with remedial sanctions. When the parole agent discovers probable cause that a Compact Offender has violated his or her conditions of parole, the parole agent shall:

- Conduct a verbal case conference with the US and document the result of the case conference on the CDCR Form 1650-D.
- Enter the charges in PVDTS within one working day.
- Complete the CDCR Form 1500-PVDMI within five working days.
- Upon concurrence from the US, impose the remedial sanction(s) and instruct the Compact Offender as necessary.
- Document the violation(s) on the next annual “Progress Report” ICAOS form, as a non-significant violation.

**81060.10 Compact Offender Violation Addressed with Revocation Procedure**

CDCR has the authority to arrest and detain Compact Offenders suspected of violations of supervision conditions. ICAOS Rule 5.108(d) provides offenders the right to present favorable witnesses and confront adverse witnesses at a hearing before a neutral hearing officer. In the state of California, the superior court for the county having jurisdiction over the county where the Compact Offender is being supervised has the jurisdiction to hold a good cause hearing. If the violation has resulted in a new felony charge being filed against the Compact Offender by the local district attorney, a separate hearing to adjudicate the violation is not required. 81060.10.1 Cooperative Parolee Violation and Hearing Procedures

**81060.10.1 Compact Offender Revocation and Hearing Procedures****Parole Agent**

- Arrests and books into the county jail where the hearing should be held. The Compact Offender shall be booked under the PC 3056/11177.1, Interstate Parole Hold. The parole agent shall contact the Warrant Unit to have an “INTERSTATE PAROLE HOLD” sent by teletype to the appropriate facility.
- Complete the CDCR Form 1500-PVDMI CDCR Form 1676, Parole Violation Report, by the deadlines identified in the Parole Violation Disposition Tracking System (PVDTS).
- File a Petition for Revocation in Superior Court in the same manner as a California parolee. The Court Agent shall inform the court at the time of filing that the matter is only for a good cause hearing.
- Complete the “Offender Violation Report” ICAOS form and attach the same documents that were attached to the CDCR Form 1676, and submit to the US.
- Attend court hearing(s), if subpoenaed.
- Once good cause is found, submit the minute order or other sentencing document(s) to the ICU via electronic mail.

**Unit Supervisor**

- Ensure that court hearings are attended by DAPO staff, if subpoenaed.
- If the superior court does not find good cause, ensure the PC 3056/11177.1 hold is lifted and that the parole agent continues supervision of the Compact Offender.
- If the superior court does find good cause, ensure minute orders are obtained and scanned into PVDTS and sent to the ICU via electronic mail.

- Ensure the PC 3056/11177.1 hold remains in place pending a detainer from the sending state for the parolee to be extradited back to the sending state.

**81060.10.2 Compact Offenders Who Commit a New Law Violation Procedures****Parole Agent**

- Discovers new criminal charges have been filed in a California court against a Compact Offender.
- If the Compact Offender was arrested, places an Interstate Parole Hold pursuant to PC 3056/11177.1, as described in section 81060.10.1
- Obtains police report(s), court docket number, and upcoming court date(s), within the timeframes for California parolees in custody on a parole hold.
- Completes the CDCR Form 1500-PVDMI using PVDTS, attaches all documents relevant to the violation and submits the CDCR Form 1500-PVDMI to the US. Include the docket number, next known court hearing date, and charges filed against the Compact Offender in the “Court Information” section.
- Completes the “Offender Violation Report” ICAOS form, and attaches all documents relevant to the violation, and submits the report to the US.
- Supervises the case according to current DAPO policies and procedures.

**Unit Supervisor**

- Reviews the CDCR Form 1500-PVDMI, and completes the supervisor’s portions.
- Reviews the “Offender Violation Report” ICAOS form and submits the report to ICU via electronic mail.
- After approving the CDCR Form 1500-PVDMI, idle the case in PVDTS.
- Upon direction from the ICU, ensures the PC 3056/11177.1 Interstate Parole Hold is removed.
- Ensures any instructions from the sending state are followed.

**Interstate Compact Unit Administrator or Designee**

- Reviews “Offender Violation Report” ICAOS form and enters the report into ICOTS.
- Submits “Offender Violation Report” to the sending state via ICOTS.
- Upon receipt of instructions from the sending state, ensures the parole unit complies with those instructions.

**81060.11 California Interstate Parolee Transfer Investigation Policy**

A request by a California parolee to move to another state will first be evaluated to determine compliance with Interstate Compact requirements before the submission of a transfer investigation request. The parolee shall not be allowed to travel to the receiving state pending investigation unless prior approval is obtained from ICU. The receiving state shall not be contacted directly by the parole agent. Any necessary telephone contact with receiving state shall be made by ICU. Parolees with special conditions of parole shall not be allowed to transfer to another state unless receiving state indicates ability to enforce the special condition or the special condition is removed. No California parolee shall be allowed to transfer his or her parole supervision to another state until all restitution orders and fines ordered to be collected by CDCR are satisfied.

Prior to submission of the transfer request, the parole agent shall make a reasonable effort to verify the California parolee’s claims of the proposed address and support. The parole agent shall conduct a case conference with the US to determine if the California parolee has a valid plan.

**81060.11.1 California Interstate Parolee Transfer Investigation Procedures****Parole Agent**

The parole agent shall complete the Interstate Transfer Request package and submit the package to ICU. ICU will enter the package into the ICOTS system. At a minimum, the package will include:

- “Offender’s Application for Interstate Compact Transfer” ICAOS form, signed by the California parolee and the parole agent who witnesses the California parolee’s signature.
- “Transfer Request” ICAOS form.
- Signed CDCR Form 1515, Conditions of Parole, and any Addendums, or the Notice of Conditions and Special Conditions of Parole created in SOMS.
- Abstract of Judgement for the commitment offense.
- Probation Officer’s Report and Police Report, if available, documenting the commitment offense.

- Photograph of the offender.
- Criminal Identification & Information Report copied from the field file.
- Confirmation from the CDCR Office of Victim Services and Survivor Rights that the California parolee satisfied all restitution owed.
- A CDCR Form 1502, Activity Report, summarizing the parolee's conduct on parole, need for transfer, any violations, and any medical or mental health problems.
- If the transfer request is for a treatment program, a letter on letterhead from the program stating that the parolee is accepted into the program and has a space available for the parolee.
- An acceptance letter from a training program, college or university, or employer, if applicable.
- If the parolee is a sex offender, the following documents, if available, shall also be included in the transfer request:
  - A copy of the parolee's most recent registration, California Department of Justice Form 8102, Sex Registration/Address Change/Annual or Other Update.
  - Assessment information, including any sex offender specific risk assessments.
  - Law enforcement report that provides specific details of sex offense.
  - Victim information, including the name, sex, age, and relationship to the offender; and the victim's statement or statement from the victim's representative.
  - The sending state's current or recommended supervision and treatment plan.

#### **Interstate Compact Unit Staff**

Forwards completed investigation packages to receiving state via the ICOTS system.

Forwards Reply to Transfer Request" ICAOS form to the parole unit.

#### **Parole Agent**

Advise parolee if request is rejected.

Proceeds as follows if case is accepted:

- Special conditions will be removed or transfer will be denied if receiving state cannot provide compliance with special conditions of parole.
- Notifies parolee of transfer decision and gives specific reporting instructions to the parolee based on the response from the receiving state.
- Complete "Notice of Departure" ICAOS form and submit the form to ICU on the day of the parolee's departure or within one business day of departure.
- Transfers the case to ICU and forwards the field file and all CDCR Form 1650-D(s) to ICU.

#### **81060.12 California Interstate Parolee Return to California Procedures**

In accordance with ICAOS, a California Interstate parolee will be returned to California when the parolee commits three significant violations, absconds from supervision in the receiving state, when the parolee is convicted of a new felony crime of violence, or when the parolee is convicted of a misdemeanor with an element of violence. The following staff procedures shall be followed upon ICU's notification of a parolee's arrest:

#### **Interstate Compact Unit Staff**

- Manually initiate a case in PVDTS.
- Complete the CDCR Form 1502-B and idle the case.
- Monitor the parolee's court status to determine the parolee's availability to return to California.
- Collect all available court documents, including but not limited to, the minute order, probation officer report, or police reports, of the violation and upload them into the PVDTS packet.
- Make arrangements with the Extradition Unit for transportation of the parolee back to California with the CDCR Statewide Transportation Unit if the parolee is in custody. If the parolee is

not in custody, provides reporting instructions for the parolee's return.

- Send the field file with all supporting documents to the originating parole unit in California via overnight courier, on the first business day following the final transportation arrangements or submission of reporting instructions.

#### **Parole Unit Parole Agent**

The parole unit parole agent shall be responsible for determining if the parolee should be continued on parole, or if the violation committed in another state should be addressed with a revocation. Upon returning to California, the parole agent shall:

- Conduct a verbal case conference with the US no later than close of the next business day following the parolee's return to California.
- If the decision is made to refer for revocation, proceed with filing a Petition for Revocation.
- If the parolee fails to return to California by the date ordered, request a Code 2, NCIC warrant for the parolee's arrest from the superior court.
- The parolee shall not be permitted to return to the state previously approved under the initial transfer request. A new transfer request must be submitted via the ICU.

#### **81060.13 California Interstate Parolee-At-Large Policy**

A California Interstate parolee (a California parolee supervised in another state) absconds when the parolee becomes unavailable for supervision. A suspension action and warrant are necessary to arrest and detain any California Interstate parolee who is not in California or the authorized receiving state. California Interstate absconders whose warrant was issued prior to July 1, 2013, will be reported to the Board of Parole Hearings (BPH). California Interstate absconders whose warrant was issued on or after July 1, 2013, will be addressed with a remedial sanction or filing of a Petition for Revocation in the superior court for the county where the parolee was last supervised prior to being transferred to another state. Should anything in this section conflict with county superior court procedures, the county superior court procedures shall prevail.

#### **81060.13.1 California Interstate Parolee Absconding Procedures**

##### **Interstate Compact Unit Parole Agent**

Upon being notified by the receiving state that a California Interstate parolee has absconded from supervision in the receiving state the ICU parole agent shall:

- Complete Judicial Council of California Form CR-301, Warrant Request and Order, and MC-031, Attached Declaration if needed, and enter them into the PVDTS system.
- Notify the Court Agent for the California county where the parolee was supervised prior to the parolee's transfer to another state. The Court Agent will submit the Warrant Request and Order to the appropriate Court for review and/or approval and provide the parole agent with a copy of Court's decision.
- Upon issuance of the warrant, the ICU parole agent shall notify the receiving state via the ICOTS system.
- When the parolee is apprehended, the ICU parole agent shall ensure a detainer is in place and submit a Judicial Council of California Form CR-302, Request to Order and Recall Warrant, via the PVDTS system.
- When the parolee is available for extradition the ICU parole agent shall proceed as described in section 81060.14.

#### **81060.14 California Parolee Arrested Outside California Policy**

A parolee is an absconder anytime the parolee leaves California without permission, does not return to California on the date specified on a travel permit, or is arrested outside of California for an outstanding PAL warrant. All arrests and parole violations committed by California parolees outside California shall be reported to BPH if the warrant was issued prior to July 1, 2013. All warrants issued by a California superior court on or after July 1, 2013, shall be resolved with remedial sanctions or by the filing of a Petition for Revocation in the county where the warrant was issued. A California detainer cannot be issued to arrest or detain a California parolee who is outside California until the BPH or superior court issues a warrant, suspends parole, and orders return to California. A California parolee who is suspended and is in custody outside California (with no criminal prosecution pending in the other jurisdiction) must be returned to California if the recommendation is to refer to BPH or the superior court for revocation proceedings. A parolee is not entitled to a revocation hearing in another state. Prior to extraditing the parolee, the parolee shall receive a discharge review by BPH if BPH has discharge jurisdiction over the parolee. BPH may act to discharge the parolee or BPH may take no action. If BPH takes no action the parolee will be returned to California. In cases where the commitment offense

occurred after June 27, 2012, the parole agent shall submit a discharge review in PVDTS. If DAPO discharges the parolee, the parole agent shall ensure that the warrant is cancelled and the holding facility removes the detainee. If DAPO acts to retain the parolee, the parole agent shall proceed in section 81060.14.1.

If the parolee is not returned to California within 90 days of filing the detainer, the parole agent shall issue reporting instructions to the holding facility for the parolee to report to California after release.

#### **81060.14.1 California Parolee Arrested Outside California Procedures**

##### **Extradition Unit**

Upon being notified of the arrest of a parolee for an outstanding PAL warrant, the Extradition Unit shall:

- Send the CDCR Form 1737, Extradition Data Worksheet via electronic mail or fax to the US.
- Send the CDCR Form 1737, to the BPH Special Processing Unit via electronic mail or fax.
- The Extradition Unit shall proceed with the extradition process unless BPH or DAPO act to discharge the parolee and submits the decision to the Extradition Unit.

##### **Parole Agent**

- If the parole agent discovers the parolee was arrested out of state via any method other than the California Law Enforcement Telecommunications System, the parole agent shall determine the arrest and custody location information and notify the Warrant Unit.
- Within one working day of the arrest, upon receiving the CDCR Form 1737, Extradition Worksheet, enter all known charges into PVDTS and complete the CDCR Form 1502-B, Probable Cause Determination within one working day.
- Complete the form 1502-DR-Abbreviated within three working days in PVDTS using the Discharge Review function. The type of Discharge Review will be "Extradition."
- Enter "Out Of State" in the Current Location, County of Arrest, and Current County of Custody in PVDTS.
- PVDTS will automatically forward the CDCR Form 1502-B, PCD and the CDCR Form 1502-DR-Abbreviated to BPH to conduct a discharge review.
- If BPH acts to discharge the parolee, the parole agent shall ensure the warrant is cancelled and the detainee is removed.
- If BPH takes no action, the parole agent shall proceed with the revocation process.
- Upon the return of the parolee to California, file the Petition for Revocation in the superior court that issued the warrant.

##### **Unit Supervisor**

- Ensure detainee is in place at the facility holding the parolee.
- Complete the Probable Cause Determination step in PVDTS indicating at least one charge is true.
- Idle the case in PVDTS pending return to California.
- Activate the case upon return to California.
- Ensure the parole agent and Court Agent file the Petition for Revocation in superior court by the due dates indicated in PVDTS.
- If the parolee is continued on parole by the Administrative Review Officer or upon release from custody, ensure the parolee is supervised according to current DAPO policies and procedures.

#### **81060.15 California Parolee Revocation Period Policy**

If a parolee is extradited to California for revocation proceedings, the revocation period begins when the parolee detained by BPH or superior court warrant is filed as a detainer with the holding facility. A parolee is available for return to California when any local prosecution or sentence is completed, and one of the following occurs:

- Extradition is waived.
- Extradition is ordered by the court in the other state.

#### **81060.16 Concurrent Parolee Supervised in California Violation Policy**

The superior court may revoke the California parole of any concurrent parolee supervised in California.

#### **81060.17 Appeal Policy**

An offender, whether supervised in California or in a receiving state, may appeal decisions, actions, or policies of CDCR that the offender can demonstrate adversely affect the offender. A Compact Offender may also appeal decisions, actions, or policies of CDCR that the parolee can demonstrate adversely affect the offender's welfare.

#### **81060.17.1 Appeal Procedures**

##### **Parole Agent (During Initial Interview)**

Reviews appeal process and current forms with the offender.

#### **81060.18 Special Investigation Policy**

Special Investigation Requests are from another state seeking information about an offender who has been arrested in California and may be in a local custody facility. Other types of information may also be requested by other states.

#### **81060.19 Special Investigation Procedures**

##### **Interstate Compact Unit Staff**

Forwards Special Investigation Request to appropriate region.

##### **Regional Screener**

Forwards Special Investigation Request to appropriate parole unit.

##### **Unit Supervisor**

Assigns Special Investigation to parole agent.

##### **Parole Agent (Within 30 Days of Receipt of Investigation)**

Secures information requested by other state.

Prepares report for requesting state on "Compact Action Request" ICAOS form, or as directed by requesting state.

Forwards original Investigation Report and any supporting documents to requesting state and a copy to ICU.

#### **81060.20 Revisions**

The DAPO Director shall ensure the contents of this article are accurate and current.

#### **81060.21 References**

PC §§ 296.1, 3059, 11175, 11176, 11177, 11177.1, 11177.2, 11180, 11181, 11192, 11193, 11194 and 11195.

CCR (15) (2) §§ 2731, 2732, 2733, and the rules of ICAOS.

### **ARTICLE 7 — CASEWORK SERVICES**

*Effective August 28, 1989*

#### **81070.1 Policy**

Cash assistance funds are loans to parolees or dischargees intended to be used when other funds or resources are not available. Cash assistance loans are not part of the bank draft system. A determination of how much money is needed is a matter of judgment, and circumstances will generally differ from case to case. Care shall be taken in deciding whether to make a loan. Repayment of loans is expected when the person's employment and personal circumstances permit. It is the agent's responsibility to periodically review cash assistance records and request parolee to make repayment where possible. A clerical staff (not the fund custodian) shall be designated as the cash assistance clerk.

#### **81070.1.1 Cash Assistance Procedures**

##### **Cash Assistance Clerk**

Issues Cash Assistance Loan Receipt Book and Cash Assistance Repayment Receipt Book to Parole Agent.

##### **Parole Agent**

Reviews request for cash assistance loan to determine the need for a loan.

Obtains unit supervisor's approval for any loan in excess of \$50.

Obtains unit supervisor's prior approval if loans to an individual parolee within any 30-day period will exceed \$150.

Completes CDC Form 1509.

Releases loan funds to parolee and obtains receipt.

Distributes completed copies of CDC Form 1509, Loan Receipt to:

- Original attached to Parole Agent travel expense claim;
- Yellow and pink copies are provided to the cash assistance clerk.

- Green copy remains in the receipt book.

Delivers all monies collected from parolees or discharges to cash assistance clerk.

#### **Unit Supervisor**

Verifies that the Cash by Agent portion of the Loan Receipt agrees with the Parole Agent's request for reimbursement on travel expense claim for that month.

#### **81070.2 Bank Draft Usage Policy**

Bank drafts are to be used for casework services. Bank drafts shall state the specific purpose for which the loan is intended; e.g., housing, food, clothing, etc. The intent of the Bank Draft System is to improve vendor-user-state agency relations by allowing parolees and discharges to pay immediately for over-the-counter purchases. The bank draft can be made payable to:

- Vendor.
- Parolee with (CDC number).
- Parolee and vendor (jointly).

Approval for use of the Bank Draft System shall be obtained from Financial Management and Support Services staff prior to establishing such a system in a parole unit. Bank drafts are only to be used in situations where cash purchases would normally be made. Under no circumstances will bank drafts be mailed to vendors or used for employee expenses or for purchase of supplies for state offices. Bank drafts shall not exceed \$500. In accordance with SAM 8124, multiple bank drafts to the same vendor, to avoid the \$500.00 limit or use of bank drafts to void using contracts are not proper uses of the bank drafts. Bank drafts shall not be used for release (gate) money under PC 2713.1. It is the responsibility of the unit supervisors to assure that agents make proper use of the bank drafts.

All loans and repayments must be posted to appropriate parolee account sheets, including loans made to reentry inmates that were not repaid.

Instructions contained herein meet state fiscal requirements and conform to generally accepted accounting principles. Each step is intended to safeguard state funds and to protect employees should any transaction concerning issuance of a bank draft for cash assistance be questioned. However, employees involved are still responsible for performing their respective duties and will be held responsible for all monies, bank drafts, receipts, and bank draft stock entrusted to their possession.

#### **81070.2.1 Bank Draft Usage Procedures**

##### **Unit Supervisor**

Submits memorandum (by channels) specifying need for use of bank drafts to Financial Management and Support Services Branch to obtain approval to implement Bank Draft System.

Contacts local bank using CDC Form 910, Form Letter, if approval to implement Bank Draft System is obtained.

Designates a clerical staff person, fund custodian and two additional employees who have authorization to sign bank drafts.

Ensures each employee designated above signs CDC Form 910A, Individual Issuance and Cancellation of Authorization to Sign Bank Drafts, on line "Restricted Signature Specimen".

Cancels authorization when a designated person's status changes.

Forwards CDC Form 910A, Authorization to Sign Bank Drafts, in duplicate to Headquarters, Accounting when authorizing or canceling Authorization to Sign Bank Draft.

Designates clerical staff person (other than fund custodian) as collection clerk (A Parole Agent may be assigned collection responsibilities).

Ensures that in absence of fund custodian bank drafts are signed by two employees who can authorize cash assistance expenditures (The number of employees authorized to issue or countersign bank drafts will not exceed three in any field parole office).

Ensures that a person other than fund custodian is thoroughly familiar with forms, records and procedures so that a fully trained replacement is always available.

Completes listing of CDC Form 1197, Authorized Bank Draft Personnel, and maintains in unit.

#### **81070.3 Bank Draft Stock Supply Policy**

Cash receipts, including checks, warrants and currency should be kept in a safe. The field unit supervisor will ensure that the unit fund custodian has access to a safe in which the supply of CDC Form 898s, Bank Draft Purchase Vouchers, are stored. Supply of bank drafts on hand will not exceed three months. Bank Draft Purchase Vouchers stock shall not be transferred between field offices without prior approval from Headquarters, Accounting staff.

The Fund Custodian shall maintain a Bank Draft Stock Memorandum Register that identifies the person receiving the draft, the date of receipt, the Fund Custodian's name, and the press-number(s) of bank draft(s) issued. A new register will be established each month and the verified receipts will be kept until an audit is performed.

A back-up fund custodian shall be identified and trained in Fund Custodian duties. The back-up Fund Custodian shall be provided with authorization for bank draft signature and access to the unit safe.

Safe combinations shall be changed when an employee knowing the combination leaves.

Records shall be maintained documenting dates when safe combinations have been changed and the names of persons knowing the present combination.

#### **81070.3.1 Bank Draft Stock Supply Procedures**

##### **Fund Custodian**

Requests estimated three month supply of (initial start) CDC Form 898s from Headquarters, Accounting.

##### **(As Needed)**

Orders additional CDC Form 898s.

##### **Headquarters Accounting Staff**

Issues transfer receipts showing bank draft numbers of CDC Form 910Bs, Stock Transferred Forms and forwards to field office by certified mail.

Mails CDC Forms 910Bs to field office separately from CDC Form 898s.

##### **Person Receiving Certified Package (Upon Receipt)**

Opens sealed package and signs CDC Form 910B, Accountability after verifying and Fund Custodian accuracy of contents.

##### **Fund Custodian**

Notifies Headquarters, Accounting staff if information on CDC Form 910B does not agree with contents of package containing CDC Form 898s.

Retains CDC Form 910B until audit is conducted by Headquarters, Internal Audit staff.

#### **81070.4 Bank Draft Purchase Voucher Safekeeping Policy**

All CDC Form 898 stock shall be kept in a safe when not being used or processed. The combination of the safe will be known by at least two but not more than three field office employees. The safe combination shall be changed within five days after an employee having knowledge of the combination transfers or combination becomes known to more than three employees.

#### **81070.4.1 Bank Draft Purchase Voucher Safekeeping Procedures**

##### **Unit Supervisor**

Prepares memo providing names of persons knowing present safe combination and date of last combination change and forwards to Headquarters, Accounting.

Updates memo as changes occur and forwards to Headquarters, Accounting.

#### **81070.5 Bank Draft Purchase Voucher Issuing and Recording Policy**

CDC Form 898s shall be completed by filling in all required information. Bank draft vouchers shall identify the purpose, the unit office, payee's name, and department number. It is essential that bank drafts be issued in ascending numerical order. Bank draft purchase vouchers shall be typed only on non-correctable typewriter ribbon (SAM 8041) if a typewriter is used. Corrections shall not be made. Bank drafts with errors shall be voided, the signature blocks removed and then returned to CDC accounting. No alterations are allowed on the actual bank draft. If an error is made, "VOID" will be marked across the face of bank draft and signature section will be cut off.

The parolee's CDC identification number should be written on the face of the bank draft in addition to the Bank Draft Purchase Voucher. Bank drafts shall be signed by an employee authorized to sign bank drafts and countersigned by the Fund Custodian.

All receipts shall have press numbers. An inventory control must be kept for all press-numbered receipts.

The loan receipts will contain an authorizing signature, the parolee's signature, and CDC number.

The person authorizing a loan to a parolee will sign the authorization. Each unit office will establish a method for parolees to sign for checks and verify that a check has been delivered to the parolee.

#### **81070.5.1 Bank Draft Purchase Voucher Issuing and Recording Procedures**

*Revised March 8, 1990*

##### **Parole Agent**

Prepares CDC Form 1509, Loan Receipt.

##### **Unit Supervisor or Designee**

Signs CDC Form 1509 if approving loan.

##### **Parolee or Dischargee**

Signs CDC Form 1509 before receiving loan.

##### **Parole Agent**

Gives completed CDC Form 1509 to fund custodian if a CDC Form 898 is to be issued.

##### **Fund Custodian**

Obtains CDC Form 898, Bank Draft Purchase Voucher and prepares it from written CDC Form 1509.

Establishes CDC Form 1618, Parolee Account Sheet at the time first loan is made to parolee or dischargee. Appropriate entries will be made as repayments or additional loans occur.

Enters CDC Form 898 number on CDC Form 1509.

The Fund Custodian shall compare and reconcile the previous month's bank draft activities. Reconciliation shall include comparison of the most recent invoice for Bank Draft Stock, the previous month's loan receipts, and the CDC Form 910G, Bank Draft Stock Daily and Monthly Reconciliation Form by the fifth of each month.

Checks records and makes necessary adjustments to bring forms into agreement if the two amounts do not agree.

Enters monthly grand total for all loan receipts, cash, and bank drafts in CDC Form 1619, Cash Assistance Expenditures Record.

Detaches yellow copy of CDC Form 898 and files for forwarding to Headquarters, Accounting.

Gives remainder of completed CDC Form 898s and CDC Form 1509s to employee authorized to sign bank drafts.

##### **Employee Authorized to Sign Bank Draft**

Compares name, amount and bank draft number with CDC Form 1509.

Signs and returns CDC Form 898 and returns it with Loan Receipt to fund custodian.

##### **Fund Custodian**

Countersigns bank drafts and makes distribution to payees or Parole Agents after they sign in space provided on CDC Form 1509s.

##### **Weekly**

Forwards white and yellow copies of Loan Receipts (85-92665) and CDC Form 898s with corresponding receipts to Headquarters, Accounting, using CDC Form 910E.

##### **Parole Agent**

Gives blue copy of CDC Form 898 to recipient of assistance.

##### **Fund Custodian**

Files green copy of CDC Form 898 and CDC Form 1509 together and retains copies at field office until audited.

#### **81070.6 Bank Draft Purchase Voucher Verification Policy**

Bank draft stock shall be verified on a monthly basis to assure that no unauthorized CDC Form 898s have been used. A reconciliation shall also be made when there is a change in employees responsible for bank draft stock. The employee verifying CDC Form 898 stock cannot be the same person preparing, issuing and responsible for safekeeping of the bank draft stock. Whenever a CDC Form 898 is stolen or missing, Headquarters, Accounting shall be notified.

#### **81070.6.1 Bank Draft Purchase Voucher Verification Procedures**

##### **Fund Custodian**

Signs CDC Form 910C, Bank Draft Stock Memorandum Register.

##### **Person Receiving Bank Draft**

Signs CDC Form 910C.

#### **Fund Custodian (Monthly)**

Establishes new register and retains verified receipts until an audit is performed by Internal Audit Unit.

##### **Unit Supervisor**

Ensures reconciliation is made when there is a change in employee(s) responsible for bank draft stock using CDC Form 910D, Change of Responsibility for Bank Draft Stock Receipt.

##### **Unit Supervisor (Immediately)**

Telephones Headquarters, Accounting staff whenever a CDC Form 898 is stolen or missing, giving description of bank draft and circumstances of disappearance.

##### **(Within One Day)**

Confirms missing or stolen voucher in a memorandum to Headquarters, Accounting.

#### **81070.7 Repayment of Cash Assistance by Parolee or Dischargee Policy**

A Loan Repayment Receipt shall be made for every repayment made by a parolee or dischargee. The designated collections clerk shall receive repayment from parolees or dischargees and Parole Agents and deposit such collections in accordance with established procedures. If a repayment receipt is spoiled, all copies will be marked "VOID". An inventory shall be maintained of the supply of Loan Repayment Receipt Books. Headquarters, Accounting staff shall be notified if a partially used or unused book is lost or stolen.

#### **81070.7.1 Repayment of Cash Assistance by Parolee or Dischargee Procedures**

##### **Employee Receiving Money**

Completes CDC Form 1510, Loan Repayment Receipt and distributes copies:

- Green to parolee.
- Blue to collection clerk. (Clerk initials agent's bank copy to indicate repayment received.)
- Pink remains in agent's receipt book.

##### **Collection Clerk**

Posts individual's repayment to CDC Form 1618, Parolee Account Sheets, and places receipt in "batch" envelope for the week.

##### **(End of Week)**

Writes total amount received on outside of "batch" envelope and files until end of month.

##### **(End of Month)**

Enters total amount collected during month as one posting to CDC Form 1619, Cash Assistance Expenditure Record.

Files repayment batches for subsequent audit by Internal Audit Unit.

Maintains inventory of Loan Repayment Receipt Books on hand in field parole office.

Posts inventory as Loan Receipt Books are issued to and returned from Parole Agents.

##### **Parole Agent**

Returns Loan Receipt Book to collection clerk when last receipt is used.

##### **Unit Supervisor (Immediately)**

Telephones Headquarters, Accounting staff if a partially used or unused book is stolen or lost, giving description of book and circumstances relating to disappearance.

##### **(Within One Day)**

Confirms above information in memorandum to Headquarters, Accounting staff.

#### **81070.8 Deposit of Repayment Policy**

*Revised March 8, 1990*

All loan repayments and other deposits shall be deposited when the individual or cumulative amount equals \$500.00 or within seven days whichever comes first. A report of deposit shall be prepared for each deposit made.

#### **81070.8.1 Deposit of Repayment Procedures**

*Revised March 8, 1990*

##### **Designated Employee**

Prepares typewritten STD Form 441, or STD Form 442, and CDC Form 910F, Report of Deposit providing following information:

- Starting each July 1, number each deposit in sequence beginning with #1.
- Indicate name, branch and location of bank.

- "Agency" is always "Department of Corrections/P&CSD."
- "Location" is name of unit office.
- "Account No." is always "057" when depositing cash assistance repayments.
- Enter amount for "currency," "coins" and "checks," and enter quantity of "checks" being deposited in asterisk box on the Report of Deposit.
- Employee making deposit shall sign Report of Deposit. Employee's name and date of deposit shall be typed.
- Space in center of form is for use of bank teller in acknowledging receipt of deposit.

#### **Unit Supervisor**

Dates and initials green copy of Report of Deposit and verifies deposit was made.

Distributes STD Form 441, CDC Form 910F and STD Form 442 after making deposit at bank, as follows:

- Bank teller will keep original (white).
- Second and third copies (pink and canary) are to be immediately for warded to that state agency or office whose name is printed on right hand margin of form.
- Fourth copy (goldenrod) is for Headquarters, Accounting, Attention: Accounting Officer.
- Fifth copy (green) is stapled to blue file copy of "Repayment Receipt" covered in specific deposit.

#### **81070.9 Record Retention and Disposition of Parolee Account Sheet Policy**

The cash assistance receipt book, and vouchers shall be retained by field units for audit by Internal Audit Unit for at least two years. After two years, destroy after audit or four years whichever comes first. When a parolee is transferred to another parole unit, the Parolee Account Sheet shall be forwarded to receiving unit.

The following records shall be retained by the field units for audit by the Internal Audit Unit:

- 85-92665, Combined Loan Receipt/Request for Bank Draft.
- CDC Form 898 (10/81), Bank Draft Purchase Vouchers.
- CDC Form 910-A, Issuance/Cancellation of Authorization.
- CDC Form 910-B, Mailing of Bank Draft Purchase Voucher Stock Report.
- CDC Form 910-C, Bank Draft Stock Memorandum Register.
- CDC Form 910-D, Change of Responsibility for Bank Draft Stock Receipt.
- CDC Form 910-E, Bank Draft Voucher/Receipts Report.
- CDC Form 1510, Loan Repayment Receipt.
- CDC Form 1618, Parolee Account Sheet.
- CDC Form 1619, Cash Assistance Expenditure Record.
- CDC Form 1620, Unit Inventory of Repayment Receipts.
- STD Form 441/442, Record of Deposit.

#### **81070.10 Contracts for Correctional Services for Parolees Policy**

Each region is allocated funds to contract with private and public groups or agencies for services for parolees.

Contracts may be developed for:

- Private halfway house services.
- Training and educational services to pay for tuition and materials at various schools.
- Employment placement services to purchase services from private employment agencies for placement of cases which are not amenable to efforts of public placement agencies.
- Specialized medical or psychiatric treatment services.
- Contracts for medical or psychiatric services shall be cleared with the Assistant Deputy Director, P&CSD.

Parolees placed in privately operated reentry facilities will have assistance received posted to their parolee account sheets as cash assistance loans; however, it is not necessary to prepare "Loan

Receipts" for such assistance. Arrangements with privately operated reentry facilities, whether by formal contract or an "informal direct billing", will provide that the monthly invoice from the reentry facility will be accompanied by a "Register of Participation" indicating those persons referred to the reentry facility by the P&CSD during the month.

Occasionally a special type contract will be arranged between P&CSD and a privately operated facility. Such arrangements may require departure from the foregoing policies. In these cases, the field office shall contact Headquarters, Accounting for guidance.

#### **81070.11 POC Policy**

The major purposes of the POC are to provide:

- Outpatient treatment and supervision to mentally ill parolees and members of their families.
- Consultation and evaluation of special cases for Parole Agents, BPT and NAEA

POC staff shall provide psychiatric diagnosis, evaluation and treatment for all parolees referred by parole staff. Some treatment services may be provided through contractual or other agreements with county mental health programs or other agencies.

Parolees with the following mental problems should be referred to POC:

- Delusions, hallucinations, bizarre behavior, persecutory feelings, or disjointed or incoherent speech.
- An apparent lessening of control over behavior.
- Suicidal tendencies or attempts.
- Extreme anxiety, tension or depression arising out of a situation similar to one which led to past problems.
- Excessive anxiety, tension, alcoholism, paranoia or belligerence on part of a parolee.

If psychiatric treatment is mandated by a special condition of parole and treatment will be provided by another agency, written approval from a POC psychiatrist is required. The Parole Agent maintains responsibility for the case management for cases provided treatment by an outside agency.

The Parole Agent shall maintain regular contact with parolee's therapist. The therapist will contact the Parole Agent to advise of any serious deterioration.

#### **81070.11.1 POC Procedures**

##### **Parole Agent and Unit Supervisor**

Conduct case review to determine course of action if parolee exhibits evidence of mental problems.

Submit CDC Form 1548, Parole Outpatient Referral, Cumulative Case Summary and photo if decision is to refer for POC services.

##### **POC Staff (Within Ten Days of Evaluation)**

Forwards completed Initial Psychiatric Evaluation report, including patient evaluation, diagnosis and recommendation to Parole Agent.

##### **(When Evaluation Completed)**

Telephones Parole Agent to provide information from emergency psychiatric evaluation, addressing concerns that prompted referral.

Submits written evaluation report.

#### **81070.12 Warning Potential Victim of Threat by Parolee Policy**

The POC psychotherapist shall immediately contact and warn a potential victim if a parolee indicates an intent to commit bodily harm to an identifiable individual.

##### **81070.12.1 Warning Potential Victims Procedures**

##### **POC Therapist (Immediately Upon Termination of Interview)**

Telephone unit supervisor regarding threat and potential victim.

Attempts to contact potential victim by telephone to advise of the threat.

Documents warning or efforts to warn.

Forwards copy to unit supervisor, and copy for inclusion in parolee's psychiatric file by the chief psychiatrist.

##### **Unit supervisor (Immediately)**

Ensures that appropriate steps are taken to warn potential victim. Takes other appropriate actions (e.g., arrest of parolee, notification of local law enforcement of threat and potential victim, submission of an Activity Report and Violation Report, etc.).

Notifies PA, and the Deputy Director, P&CSD, of the incident.

**POC Therapist**

Consults with the chief psychiatrist if therapist becomes aware of violent propensities of a parolee towards an identifiable potential victim without an actual threat of violence having been made against that individual.

Resolves any doubts about need to notify potential victims and parole staff in favor of notification.

Documents both consultation and decision to notify potential victims and parole staff of parolee's violent propensities towards an individual and includes documentation in parolee's file.

**81070.13 Post Discharge Service Policy**

When continued treatment and services are indicated after discharge, the Parole Agent and therapist shall assist the parolee in obtaining these from an appropriate community mental health agency. If needed services are unobtainable through community agencies, the parolee may continue with POC services.

**81070.13.1 Post Discharge Service Procedures****POC Staff**

Refers parolee's case to local mental health agencies.

**Parole Agent (At Discharge)**

Advises parolee of eligibility for continued POC services.

Continuation in POC treatment is dependent on sufficient availability of POC staff and at discretion of POC therapist.

Requires an ex-parolee electing to continue POC participation to sign a statement indicating that continued POC participation is voluntary.

POC staff will retain signed statement for three years after treatment is terminated.

**81070.14 Revisions**

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

**81070.15 References**

Not Applicable.

**ARTICLE 8 — DISCHARGE AND PARDON**

*Revised March 8, 1990*

**81080.1 Policy**

*Revised July 23, 2002*

A parolee may be recommended for discharge at any time when case factors or other considerations support early discharge. The factors to be considered are:

- First term with no prior convictions.
- Legally self-supporting or self-sufficient.
- Currently drug free.
- Stable residence.
- Effort to satisfy restitution obligations.

A parolee should be recommended for early discharge if:

- Parolee is under other supervision [e.g., probation, federal probation, other prison system, Department of Mental Health (DMH) facility, or long-term drug treatment program]; or
- Verifiable changes in physical abilities or health, which are rendered no longer a danger to society; or
- Special circumstances (e.g., parolee's life in danger, job offer in another country).

**81080.1.1 Annual Discharge Review Policy**

*Revised July 23, 2002*

Discharge review periods are specified in the Penal Code (PC).

Discharge review periods and maximum parole jurisdiction, depending on date and type of commitment offense, are:

**PAROLE AND REVOCATION PERIODS**

Date of Commitment	Type of Offense	Discharge Review	Maximum Period of Parole	Maximum Revocation	Maximum Period of Parole
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**PAROLE AND REVOCATION PERIODS**

Offense				Period *	Jurisdiction
Commitment Offense on or before 12-31-78	Life	None	3 years	6 months	4 years
Commitment Offense on or before 12-31-78	Non-Life	None	1 year	6 months	18 months
Commitment Offense on or after 1-1-79 but prior to 12-31-82	Life	During 37 <sup>th</sup> month of cont. parole	5 years	1 year	7 years
Commitment Offense on or after 1-1-79	Non-Life	During 13 <sup>th</sup> month of cont. parole	3 years	1 year	4 years
Commitment Offense on or after 1-1-83	Life (Murder 1 <sup>st</sup> Degree)	Within 30 days of completion of 7 years cont. parole	Life	1 year	Life
Commitment Offense on or after 1-1-83	Life (Murder 2 <sup>nd</sup> Degree)	Within 30 days of completion of 5 years cont. parole	Life	1 year	Life
Commitment Offense on or after 9-26-88	Violent Felony PC 667.5	Within 30 days of completion of 2 years cont. parole	3 yrs. or 5 yrs.	1 year	4 years or Life based on commitment offense

\* Multiple revocation terms may be imposed

**Continuous Parole**

"Continuous parole" means the Board of Parole Hearings (BPH) has not interrupted the parole period by suspending or revoking a parolee who has been found guilty of an offense. Suspended Parolee-at-Large (PAL) time does not count toward maximum time limits unless the BPH makes a good cause finding to exclude at-large time from the parole period.

The assigned parole agent shall review each case within the specified review period, and recommend either to retain the case on parole or allow the case to discharge by operation of law.

The following factors shall be considered in conducting discharge review:

- Commitment offense.
- Parole adjustment.
- Recent drug use.

- Restitution obligations.
- Stable residence and employment.
- Prior criminal history.

#### Report

A Discharge Review Report shall be prepared and submitted to the unit supervisor at least 20 days prior to completion of one, two, three, five, or seven years of continuous parole, based on commitment category, and at least 20 days prior to completion of each year of continuous parole thereafter.

Parolees committed to prison for a "violent felony," under PC 667.5(c), shall be referred to the BPH for discharge review.

"Violent felony" means any of the following:

- ☐ Murder or voluntary manslaughter.
- ☐ Mayhem.
- Rape as defined in PC 261Subdivision 2.
- Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Lewd acts on a child under 14 as defined in PC 288.
- Any felony punishable by death or imprisonment in state prison for life.
- Any other felony in which the defendant inflicts great bodily injury on any person other than an accomplice, which has been charged and proved as provided for in PC 12022.7 or after July 1, 1977, or as specified prior to July 1, 1977, in PC 213, 264, and 261 or any felony in which the defendant uses a firearm in which use has been charged and proved as provided in PC 12022.5.
- Any robbery perpetrated in an inhabited dwelling house or trailer coach, as defined in the Vehicle Code, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of PC 12022, in the commission of that robbery.
- Arson in violation of PC 451(a).

Parolees committed to prison for the following felonies, unless specifically included under PC 667.5(c), shall be referred to the Parole Administrator for final discharge decision:

- Robbery.
- Child Molestation.
- Assault with a deadly weapon.
- Rape.
- Large scale narcotics sales.
- Kidnapping.
- Attempts to commit a violent felony listed in PC 667.5(c).

Parolees committed to prison for all felonies not included under the last two bullets above shall be referred to the unit supervisor for final discharge decision.

By law, a parolee, unless committed to prison for a "violent felony" under

PC 667.5(c), is discharged if the BPH does not order the parolee retained on parole by the 30th day after completion of one, two, three, five, or seven years of continuous parole as appropriate to the commitment category. For example: A parolee sentenced for a non-life offense committed on January 1, 1984, and paroled on June 30, 1986, has a discharge review date of June 30, 1987, and would discharge 30 days later during the 13th month of continuous parole (on July 30, 1987) if a "retain on parole" action were not taken during that 30-day period.

A parolee committed to prison for a "violent felony" under PC 667.5(c) that occurred prior to September 26, 1988, discharges by law upon reaching the maximum Controlling Discharge Date.

### 81080.1.2 Discharge Procedures

#### Parole Agent

Secures and reviews CI&I SSCH for unreported arrests since release to parole or last discharge review.

Requests current POC psychiatric evaluation if parolee has a special condition of parole requiring POC attendance.

Reviews case file and Record of Supervision to evaluate parolee's fitness for discharge.

#### (20 Days Before the 1st or 3rd Year Anniversary)

Prepares and submits CDC Form 1632, Discharge Review Report Form, to unit supervisor recommending either:

- Retain on parole supervision.
- Discharge effective \_\_\_\_\_ (date) \_\_\_\_\_.

#### Unit Supervisor

Reviews Discharge Review Report and supplemental materials and makes a decision either to discharge or recommend retain on parole. Effective date of discharge is 30 days following completion of one year of continuous parole.

Decision to allow parolee to discharge completes discharge review process. Parolee will discharge by action of law on date specified.

Submits any Discharge Review Report requiring PA decision to PA.

Unit supervisor shall include a recommendation to either discharge or retain on parole supervision.

Submits any Discharge Review Report recommending "retain on parole supervision" and any report requiring BPH decision to BPH.

#### PA (Prior to 30th Day Following Any Anniversary Date Specified Above)

Reviews Discharge Review Report and takes an action to recommend retain on parole supervision; or, discharge effective \_\_\_\_\_ (date) \_\_\_\_\_. Effective date is 30 days following completion of one year of continuous parole; or,

Submits any Discharge Review Report recommending "retain on parole supervision" to the BPH.

#### BPH (Prior to the 30th Day Following Any Anniversary Date Specified Above)

Reviews Discharge Review Report and takes an action to either:

- Retain on parole supervision; or
- Discharge effective \_\_\_\_\_ (date) \_\_\_\_\_. Effective date is 30 days following completion of one year of continuous parole.

#### Parole Agent (Within 10 Days of Final Action)

Provides parolee with copy of CDC Form 1632, Discharge Review Report; BPH Form 1130, BPH Decision; and CDC Form 602, Inmate/Parolee Appeal; if decision is "retain on parole supervision."

### 81080.2 Cancellation of Discharge Policy

Any parole violation requiring a mandatory report to the BPH, which was committed by a parolee either previously recommended for discharge or ordered discharged shall immediately be reported to the unit supervisor. An Emergency Action Report shall be immediately submitted to the BPH. Other violations shall also be reported to the unit supervisor for review and decision. An order to discharge may be cancelled by BPH action at any time prior to 12:00 Midnight on date scheduled for discharge.

#### 81080.2.1 Cancellation of Discharge Procedures

##### Parole Agent and Unit Supervisor

Review behavior that violated parole and determine whether discharge action should be cancelled.

Behavior requiring BPH decision shall result in decision to cancel discharge.

##### Parole Agent

Prepares handwritten Emergency Action Report that briefly describes behavior that violates parole.

Submits Emergency Action Report to unit supervisor.

##### Unit Supervisor

Reviews Emergency Action Report and telephones report to region office for FAX to the BPH.

##### BPH

Reviews report.

Makes decision to either extend term to maximum of four years or seven years pending revocation hearing or discharge case.

Notifies parole region of action.



**Region Staff**

Notifies unit supervisor of BPH action.

**81080.3 Parole Appeal of BPH Action to Retain on Parole**

The parolee may appeal any action by the BPH to retain on parole supervision through the BPH appeals procedures.

**81080.4 Parolee-at-Large Purging Policy**

An annual National Crime Information Center (NCIC) warrant review shall be completed on all suspended Parolee-at-Large (PAL) cases assigned Code 2 and placed in the NCIC system. A review shall be completed on all suspended PAL cases after 60 months in PAL status.

**81080.4.1 Parolee-at-Large Purging Procedures****Parole Agent (4-6 Weeks Prior to Annual and 60 Month Review)**

Secures and reviews current CI&I and FBI SSCH records for any arrest during period parolee has been PAL.

**(At Annual NCIC review)**

Forwards copy of original Parolee-at-Large Report, CDC 1524 with completed Parolee-at-Large Review Report, CDC 1524-A attached for suspended parolee with warrant entered into NCIC, dates report and recommends either retain or remove want from NCIC.

- CI&I and FBI arrest records and legal status summary sheet will be attached to PAL report.

**(At 60-Month Review)**

Reviews case files of all PAL cases for commitment offense and prior criminal history if no arrests are noted on CI&I sheets.

Forwards copy of original PAL report (CDC 1524) with completed CDC 1524-A attached to BPT recommending:

- Discharge and recall warrant (if commitment offense and prior criminal history were property offenses with minimum or no history of violent behavior).
- Discharge and recall warrant (if determined there is minimal chance of parolee being located or committing new crimes, and a minimal history of violence or arrests are indicated by CI&I or FBI records).
- Retain in PAL status and in NCIC (if there is a history of violence; CI&I records show arrests; and there is a probability of parolee being located).

Submits report to unit supervisor.

**Unit Supervisor**

Reviews and submits report to BPH for action.

**81080.5 Discharge to Other Jurisdiction Policy**

*Revised July 23, 2002*

If a parolee receives a commitment to federal prison, another state's prison, or to a local jurisdiction that exceeds the parole term, the parole agent may submit a report recommending discharge to the other jurisdiction. The following information shall be included in the Discharge Review Report:

- Anticipated minimum and maximum term of incarceration of new term.
- Anticipated length of parole or whether parolee discharges upon release.
- If sentenced to county jail, length of county jail sentence and anticipated release date.
- If parolee was granted probation, whether parolee was placed on formal or informal probation.
- If placed on formal probation, length of formal probation.
- Outstanding restitution obligations.

**81080.5.1 Discharge to Other Jurisdiction Procedures****Parole Agent**

Secures copies of commitment documents or other documented proof of sentence.

Prepares and submits report by unit supervisor to BPH with documented proof attached.

**81080.6 Certificate of Discharge and Release Procedures****Regional Records (Prior to Discharge Date)**

Prepares Certificate of Discharge and Staff Release, CDC Form 163.

Sends certificate to Parole Agent.

**Parole Agent**

Mails Certificate of Discharge and Release to parolee's last address of record or makes arrangements to hand deliver to parolee.

Advises parolee that all rights except the following are restored upon discharge.

- To act as executor of an estate.
- To hold public office.
- To possess or own a firearm.

Advises parolee of eligibility to receive parole services in any DAPO office.

Degree of service will depend on request and availability of funds to meet need.

**81080.7 Certificate of Rehabilitation and Pardon Policy**

Authority to grant reprieves, pardons, and commutations of sentence is conferred upon the Governor by Section 8, Article V, of the Constitution of California. A person may file for pardon either by obtaining a Certificate of Rehabilitation or applying directly to the Governor's Office.

**81080.7.1 Certificate of Rehabilitation Eligibility**

*Revised July 23, 2002*

Any person convicted of a felony and released from confinement in a California prison who has not been re-imprisoned since release from confinement, and who has waited the specified time period, may file for a Certificate of Rehabilitation.

The period of rehabilitation starts to run upon release to parole or direct discharge from custody.

The period of rehabilitation shall constitute three years residence in this state; plus, four years in case of any person convicted of violating PC Sections 187, 209, 219, 4500 or 12310, or 1672(a) of the Military and Veterans Code, or committing any other offense which carries a life sentence.

Two years in case of any person convicted of committing any offense not listed above.

The petitioner shall not be eligible to file for a Certificate of Rehabilitation until the period of rehabilitation stipulated has passed.

During the rehabilitation period, petitioner shall live an honest and upright life, conduct a life of sobriety and industry, make reasonable effort to satisfy restitution obligations, exhibit a good moral character, and obey all laws.

**81080.7.2 Certificate of Rehabilitation Procedures****Petitioner**

Files a petition for ascertainment and declaration of fact of petitioner's rehabilitation with Superior Court in county of petitioner's residence after meeting period of rehabilitation requirements.

Notifies DA of county in which petition was filed and DA of any counties which petitioner was convicted of a felony.

These persons must be notified of petition and date and time of hearing in Superior Court.

**Superior Court**

Determines if petitioner has demonstrated rehabilitation.

Grants Certificate of Rehabilitation and recommends that Governor grant a full pardon if rehabilitation was demonstrated.

**Clerk of Court**

Transmits certified copies of Certificate of Rehabilitation to:

- Governor.
- BPH.
- DOJ, CI&I.
- State Supreme Court if petitioner was convicted of a felony two or more times. (A majority of State Supreme Court must give written concurrence with pardon in these cases).

**81080.8 Pardon Policy**

Any person, including one who is ineligible to file for a Certificate of Rehabilitation, may apply directly to the Governor for a pardon.

**81080.8.1 Pardon Procedures****Petitioner**

Requests an application for pardon from Governor's Office, Legal Affairs Secretary.

Submits written notice of intention to apply for pardon to DA of county of conviction.

Signs and submits to Governor, notice or proof by affidavit that DA was notified.

Submits, with application for pardon, full statement of any compensation being paid any attorney or any other person assisting with application for pardon.

#### **81080.8.2 Pardon Limitations**

A pardon entitles a person to exercise all civil and political rights of citizenship except:

- Persons convicted of use of a dangerous weapon may not own, possess or keep any type of firearm.
- Federal statute prohibits ex-felons from owning or possessing firearms.
- A pardon will not abridge or impair the power or authority conferred by law on any board or tribunal to revoke or suspend any right or privilege or franchise.

#### **81080.9 Revisions**

*Revised July 23, 2002*

The Director, DAPO, shall be responsible for ensuring the contents of this Article are kept current and accurate.

#### **81080.10 References**

*Revised July 23, 2002*

Penal Code Sections 187, 209, 213, 219, 261, 264, 288, 667.5, 12022, 12022.5, 12022.7, 12310, 3001, 4500, 4800, 4801, 4802, 4852 thru 4852.19, 4853, and 4854.

California Code of Regulations, Title 15, Division 2, Chapter 2, Sections 2050, 2052, 2515, 2535, 2536, 2537, and 2546 and Division 3, Section 3501.

Military and Veterans Code 1672(a).

### **ARTICLE 9 — CASELOAD MANAGEMENT**

*Revised December 29, 2016*

#### **81090.1 Policy**

All Division of Adult Parole Operations (DAPO) staff shall ensure records are updated in a timely manner, accurate, readily available, and maintained in a manner that permits retrieval of information and statistical data by authorized personnel.

#### **81090.2 Purpose**

This procedure establishes guidelines for uniform interpretation, application, and administration of caseload management plans. Should any section in this article conflict with the Bargaining Unit 6 Memorandum of Understanding (MOU), the MOU shall prevail.

#### **81090.3 Record of Supervision Policy**

The parole agent shall maintain a current Face Sheet generated by the Strategic Offender Management System (SOMS) and CDCR Form 1650-D, Record of Supervision, for each assigned offender. The SOMS Face Sheet and corresponding CDCR Form 1650-Ds shall be kept in alphabetical order by the offender's last name, in the field book, as described in section 81090.9. Information contained in these records shall be current and legible. Recording this and other essential case information is important, as parole agents are sometimes called upon to testify in court, as well as to appear at revocation hearings. This information is also vital as an operational and safety tool in planning field contacts.

The CDCR Form 1650-D is a legal document and must be kept legible and current. Only the CDCR Form 1650-D shall be used to provide an accurate record of any and all efforts to supervise an offender. All activity, contacts, actions, or information received about an offender, or taken by a parole agent, shall be recorded on this form. Entries shall be made by the end of the working day on which the event occurred. Examples of the types of events requiring an entry on the CDCR Form 1650-D include, but are not limited to:

- Contact with the parolee at the parolee's residence, parole unit, or any other location.
- Collateral contacts.
- Urinalysis tests obtained, and results of the tests.
- Attempts to contact the parolee, including the location of the attempted contact and/or phone number(s) called.

- Contact with parolee by telephone, electronic email, or by any other form of electronic communication.
- Submission of other documents or processes completed in supervising a case, such as the submission of a transfer request, discharge review, program referral, or the issuance and/or collection of CDCR Form 1661, Goals and Progress Report.

The parole agent may use note pads, personal computers, or other alternate methods of note-taking; however, the parole agent shall faithfully transfer information to the CDCR Form 1650-D by the end of the working day on which the event occurred.

#### **81090.3.1 Record of Supervision Procedures**

The parole agent shall complete the identifying information on each CDCR Form 1650-D, including the offender's name, CDC number, parole unit, and name of assigned parole agent. Each entry on the CDCR Form 1650-D shall include:

- The name(s) of the person(s) contacted or providing information. If the parole agent is receiving information from a person(s) who desires to remain anonymous, this shall be noted in the entry.
- Location of contact.
- Method of contact.
- Beginning and ending time of contact.
- A narrative description of the contact.
- Accommodations provided to ensure effective communication in accordance with the Americans with Disabilities Act.

#### **81090.4 Caseload Count Policy**

For the purposes of determining parole agent and parole unit workload, the following cases shall be included as of:

- The date an offender is released from a CDCR institution/facility following a period of revocation, new commitment, or a 90-day diagnostic study.
- The date a suspended offender was located outside of California is ordered reinstated or continued on parole.
- The date the case is received on transfer in SOMS.
- The arrival date noted on the "Notice of Arrival" Interstate Compact for Adult Offender Supervision (ICAOS) form.
- The date a Parolee-At-Large who is arrested out-of-state waives extradition and is available to California.
- The date the parole unit is notified of a direct release (court walkover) as described in Chapter 8, Article 1, or the date the direct release reports to the parole unit.

The following cases shall not be included for the purposes of determining parole agent and parole unit workload as of:

- The date the offender is returned to a CDCR institution/facility to serve 90-day diagnostic study, or a new commitment.
- The date a parolee serving a life parole term is returned to a Division of Adult Institutions facility following a Superior Court good cause finding for a violation of conditions of parole.
- The effective date of discharge.
- The date on a death certificate, letter from coroner, coroner's report, or Criminal Identification and Information report, indicating an offender's date of death.
- The date of transfer to another parole unit.
- The date noted on the "Case Closure Notice" ICAOS form as the closing date.

#### **81090.5 Caseload Roster Policy**

On the first working day of each month, the parole agent shall generate the "Agent Caseload Roster" for the parole agent's caseload in SOMS. The roster shall be generated in ".PDF" format and printed. All supervision levels shall be listed on the roster. SOMS will automatically include the offenders' names, CDC numbers, supervision level on the date the roster was generated, most recent parole date, and the reinstatement date or revocation release date.

The parole agent shall record the date(s) of contact for each type of contact for each offender listed on the caseload roster. In the event an offender's parole status changes during the month, the parole agent shall briefly note the status change and reason (e.g., "arrested 5/12") in the offender's row on the roster.

In the event of significant changes to the parole agent's caseload prior to the end of the month that prevents the Agent Caseload Roster printed on the first day of the month from accurately recording the majority of the contacts made during the

month, the parole agent may generate and print a new Agent Caseload Roster and transfer information from the prior Agent Caseload Roster.

#### 81090.5.1 Caseload Roster Procedures

##### Parole Agent

Records dates of supervision contacts and events resulting in a change of supervision on the Agent Caseload Roster every working day.

##### (Last Working Day of Month)

Reviews Agent Caseload Roster for accuracy and submits roster to unit supervisor for review.

#### 81090.6 Field File Policy

The field file is established to provide staff with copies of pertinent information extracted from the Electronic Records Management System, and an organized, chronological history of documents related to the offender obtained during the parole term. Field files shall be maintained for all offenders. Upon discharge, the field file shall be processed as described in 81090.8.

#### 81090.6.1 Field File Composition and Maintenance Procedures

Manila file folders shall be utilized for field files. In the event a parolee makes a threat against staff, a red file folder shall be utilized.

The front of the field file shall be identified by the parole agent's name and labelled with the following identifiers to designate specialized cases and other supervision categories (Avery Label 5164 is recommended).

- ☐ PC 290 (Static-99R SCORE): \_\_\_\_\_
- ☐ LIFE TERM
- ☐ EOP/CCCMS ☐ CSRA: \_\_\_\_\_
- ☐ MEDICAL PAROLE ☐ CLLR: \_\_\_\_\_
- ☐ ACP ☐ ADMIN PLACEMENT
- ☐ INTERSTATE
- ☐ PROP 47/57 (CIRCLE)
- ☐ ADA/DDP/DPP CODE(S): \_\_\_\_\_ SLI: YES/NO

##### CRIMINOGENIC NEEDS:

- ☐ SUBSTANCE ABUSE
- ☐ EMPLOYMENT
- ☐ EDUCATION (TABE SCORE): \_\_\_\_\_

All documents shall be filed chronologically in the field file with the current material on top. If a parole unit uses tabs or dividers provided by DAPO to divide the field file in sections by subject matter, documents in each section shall be filed chronologically within that section. The filing of documents shall be distributed in the field file as follows:

Left Side of File	Right Side of File
One copy of the most recent Face Sheet.	CDCR Form 1244, Parole Violation Disposition Log.
The most current gang, sex, arson, and/or narcotic registration receipt or copy of registration form. Copies of previous registrations may be purged or retained at the parole agent's discretion.	Printout of the Sentence Data Sheet as generated in SOMS.

Left Side of File	Right Side of File
A copy of the CDCR Form 1515, Notice and Conditions of Parole, or the Notice and Conditions generated in SOMS, and any addendums and/or attachments. The most recent version shall be on top, and copies of previous versions shall be retained in the field file beneath the most recent version. The signed original shall be forwarded to Parole Case Records.	CDCR Form 1244-A, Disability and Effective Communication System Review Log, printed on blue paper.
CDCR Form 1650B, Parolee Initial/ Comprehensive Interview.	Arrest report(s) from commitment offense(s).
CDCR Form 1650-D. This form shall be transferred from the field book to the field file after the offender's case review.	Probation Officer's Report(s) from commitment offense(s), if available, and Abstract of Judgment from commitment offense(s).
CDCR Form 1508, Parolee Monthly Report.	CDCR Form 611, Release Program Study, or Release Program Study generated in SOMS.
CDCR Form 1658, Parolee Residence/ Employment Verification.	Parole violation documents and attachments, including warrant request documents.
Sex Offender Treatment assessments, progress reports, and polygraph reports. Sex Offender Treatment discharge review evaluation.	CDCR Form 1657, Case Conference Review/Discharge Consideration Committee, CDCR Form 3042, Sex Offender Management Program – Classification Scoring Sheet, CDCR Form 3043, Containment Team Meeting/Discharge Consideration Committee.
Correctional Offender Management Profiling for Alternative Sanctions Case Plan, Re-Entry Assessment, and Re-Entry Summary.	CDCR Form 3016-A, Threats Against Staff: Analysis (if applicable).
Urinalysis testing results.	Discharge Reviews, CDCR Form 1502, Activity Reports.
Criminal Identification and Information report (behind confidential tab).	Non-confidential Parole Outpatient Clinic evaluations/reports.
Other letters, memoranda, instructions, or other documents regarding the offender.	Confidential medical/Americans with Disabilities Act envelope attached to inside back cover.
Confidential Section for confidential, and non-ADA documents.	Any other legal form(s).

#### 81090.7 Strategic Offender Management System Data Entry Policy

The SOMS database is essential to the tracking and management of offender data and serves as the source of information extracted into management reports required both internally and for reporting to external stakeholders. Offender data entered into SOMS populates critical fields within the Law Enforcement Automated Data System (LEADS) and the Department of Justice Supervised Release File (SRF), both of which are utilized by many law enforcement agencies within the state of California. In addition, SOMS will be the source for

management reports used to compare and identify parole supervision trends and make adjustments in offender supervision strategies.

The SOMS database is organized into modules and sections. The primary modules are Offender, Prison, Parole, Health, Support, and Administration. The parole module is further divided into the following primary sections: Offender Record, Records Maintenance, Caseload Management, Reports, and Routine Processes. Available sections may change depending on the module selected. DAPO staff may also modify the Personal Favorites section to quickly access the SOMS functions they commonly use.

All DAPO staff shall make every reasonable effort to ensure the timely and accurate entry of offender information into SOMS. It is critical that all available offender information be entered into the appropriate SOMS data fields as the information becomes available.

The parole agent shall monitor and process all additional Offender Investigations, Agent Actions Due, and Forms Awaiting Review associated with their caseload in SOMS.

#### **81090.7.1 Offender Residence Change Data Entry Procedures**

An offender's residence of record information, as recorded in SOMS, is available to other DAPO staff and law enforcement agencies. Prompt updating of the offender's residence is imperative for officer and staff safety, as well as preserving the civil rights of people no longer residing with an offender.

If an offender has claimed they are residing at an address that has not been verified by the parole agent, and the parole agent or staff then enters the unverified address in SOMS, the parole agent or staff designated to update the address in SOMS shall indicate this by adding "UNVERIFIED ADDRESS" to the Comments for External Agencies.

When the parole agent verifies an offender has changed residence, the parole agent shall ensure the Residential History section of SOMS is updated as soon as operationally possible, but no later than three business days, either directly by the parole agent or by support staff at the direction of the unit supervisor or assistant unit supervisor.

After the parole agent verifies the address, the parole agent or support staff shall change the address type, if necessary, and enter the date the residence was verified in the Residential History section and remove "UNVERIFIED ADDRESS" from the Comments for External Agencies. The staff updating the information in SOMS shall select the Residence Type based on the following definitions of each type:

- Community Program: a residential treatment program.
- Custody Program: an inpatient treatment program in a custody setting.
- Federal Custody: an offender under DAPO's supervision currently in custody for federal charges in a federal facility or federal contract bed.
- Local Jail: an offender incarcerated in a county jail within the state of California pending local or revocation charges, or serving a revocation sentence.
- Mailing: an address where an offender receives mail.
- Out-of-State Custody: an offender in custody in another state.
- Physical (Home): an offender's residence.
- Planned (after ISC [Interstate Compact] transfer): the address in California where an offender from another state proposes to reside, if the offender's interstate transfer request is granted.
- Planned (after release): the proposed address from the CDCR Form 611.
- School/College: an offender residing on the grounds of a school or college.
- Shelter Transient: an offender residing in a homeless shelter.
- Transient-Homeless: an offender who is homeless or otherwise has no residence.

Staffing conditions such as the geographic location of the parole agent, scheduled leave times, training, personal leave, staff shortages, arrest volume, or other factors may have an adverse impact on the ability of peace officer staff to complete timely SOMS data entry. Recognizing that this may impact the integrity of the data within SOMS, the unit supervisor has the discretion to assign specific data entry duties, on a

case-by-case basis, to the parole unit support staff in lieu of the parole agent.

The unit supervisor or assistant unit supervisor shall be responsible for verifying the accuracy and timeliness of the updates entered into SOMS as standard review factors when conducting case reviews, containment team meetings, and discharge reviews. Verification of SOMS data entry accuracy and timeliness shall be conducted utilizing the management reports within SOMS.

#### **81090.7.2 Other Offender Information Change Procedures**

##### **Face Sheet Information**

All other changes in an offender's information that is contained on the Face Sheet shall be entered into SOMS within five working days, either by the parole agent directly or by support staff at the direction of the unit supervisor or assistant unit supervisor. This includes, but is not limited to, the following data fields:

- Employment Record
- Telephone Numbers
- Offender General Comments
- Supervision Cautions
- Vehicle History
- Relatives/Associates
- Special Conditions
- Education Record
- Offender Personal Characteristics
- Work Skills
- Supervision Level

##### **Changes in Agent of Record**

The unit supervisor or assistant unit supervisor shall be responsible for entering changes in caseload assignments, which will appear on the SOMS Supervision History screen. The unit supervisor or assistant unit supervisor shall enter changes the same day the new Agent of Record is to begin responsibility for the case. All other changes in Supervision History shall be entered within five working days of the day of the event.

##### **General Comments for External Agencies**

This data field is limited to 70 characters. This field appears in LEADS and in the SRF return via the California Law Enforcement Telecommunication System. This field shall be used for important information that a law enforcement officer may need which is not shown elsewhere in the SRF return, e.g., a dog in an offender's residence, offender resides in the back of the residence, security gate, or gate entry codes.

##### **General Comments for Internal CDCR Only**

This data field shall be used for information needed for CDCR staff that is not contained anywhere else in SOMS.

#### **81090.7.3 Strategic Offender Management System Pre-Release Procedures**

The following procedures identify staff roles, responsibilities, and timelines for entering the required offender information into the appropriate SOMS data fields.

##### **Regional Re-Entry Unit Staff**

Upon receipt of the CDCR Form 611 from the Division of Adult Institutions, the Regional Re-Entry Unit shall:

- Enter the Intake New Case Supervision Event and open the RPS Offender Investigation, to include parole unit assignment, in SOMS.
- All other offender data, such as CDC Number, Name, Sex, and Legal Mandates shall normally be prepopulated in SOMS.

##### **Parole Unit Support Staff**

Upon receipt of the CDCR Form 611 by the assigned parole unit, support staff shall stamp the CDCR Form 611 with 'Received On' and indicate the date received by the parole unit.

It is critical for staff to accurately enter or update as much data as possible in SOMS as soon as the CDCR Form 611 is received at the parole unit. Staff shall enter or update in SOMS all of the available information including, but not limited to the following data fields:

- Assigned Parole Unit
- Date of Birth
- Place of Birth
- Physical Identifying Information (ethnicity, gender, height, weight, hair color, eye color, facial hair, body build)

- Social Security Number
- Federal Bureau of Investigation Number
- United States Immigration and Naturalization Service Number
- California Driver License or Identification Number
- State Identification Number
- Commitment County
- County of Last Legal Residence
- Residential History:
  - The address entered into SOMS shall be the address listed in the Proposed Residence section of the CDCR Form 611. The address type selected in SOMS shall be Planned (after release).
  - The SOMS Residence Detail shall require the user to select a Begin Date and Type when entering a new or updated address.
  - If the offender is homeless, or residence information is unavailable, the user shall select Transient – Homeless as the Residence Detail Type with a Begin Date based upon the Parole Date. Under Address Search, the user is to select the appropriate City and Zip Code in which the offender is expected to reside or receive services.
  - Note: SOMS will attempt to validate the address entered by the user. Upon validation, SOMS will present the option to choose the validated address or the address submitted by the user.
- Registration Requirements, if applicable (e.g., gang, sex, narcotics, and/or arson offenders).
- Employment Record:
  - The Employment Detail data shall include the name of the employer, occupation, employment status, work telephone number, start date, end date (if applicable), employer aware of the offender being subject to parole supervision, street number and name, city, county, state, and zip code.
  - If no employment information is indicated on the CDCR Form 611, the Employment Record shall reflect that the offender is Unemployed in the Employment Detail. If available, enter the date the offender became unemployed, or enter the Parole Date or Reinstatement Date in the Begin Date field. If the exact begin or end date is unknown, the approximate box may be checked.
  - Under no circumstance shall the Employment Detail data field in SOMS be left completely blank.
  - “To Be Announced” (TBA) or “To Be Determined” (TBD) shall not be valid entries for Employer Name.
  - Employment Status shall be required for all offenders and shall be entered into the SOMS database in the Nature of Job field within the Employment Detail screen.

#### **81090.8 Field File Disposition Policy**

The unit supervisor shall determine a centralized location in the parole unit for the storage of discharged offender field files. Upon verification of discharge of the parole term or other discharge from DAPO supervision, all field files shall be retained intact in the parole unit for one year in an area designated by the unit supervisor. The outside front cover shall be marked with the discharge date.

Each Regional Administrator, or designee, shall develop and disseminate a cost-effective plan for the shipment of field files to Parole Case Records. Multiple processes for each region may be warranted based on geographical locations of parole units and/or limited vendors/services for remote locations. Parole units shall not use an “overnight” or “express” shipping or mailing service to transfer field files to Parole Case Records.

For parolees convicted of a crime requiring registration pursuant to PC 290, the entire contents of the field file shall remain intact. For parolees never convicted of a crime requiring registration pursuant to PC 290, after one year has passed from the discharge date, parole unit support staff shall retain the following documents in the original field file:

- All CDCR Form 1502s, including all attachments.
- All CDCR Form 1500s, including all attachments.
- All CDCR Form 1676s, Parole Violation Reports, including all attachments.

After one year has passed from the discharge date, the field file shall be transferred to Parole Case Records. The unit supervisor shall ensure parole unit support staff complete the CDCR Form 2205, Parole Unit Field File Disposition and Tracking Log, for each box of field files transferred to Parole Case Records.

#### **81090.8.1 Procedures for Storage and Shipment of Discharged Offender Field Files to Parole Case Records**

##### **Packaging**

Field files ready for transfer to Parole Case Records are to be placed in a “Banker’s Box.” All loose documents in a field file must be correctly filed or removed prior to transfer. Place the field files in the box sideways with CDC numbers for all files facing in the same direction. Sex offender and non-sex offender field files may be shipped and stored together. Various discharge dates may also be packaged in the same box, provided the discharge dates are all within the same calendar year.

##### **Shipping**

When the box is at least 85 percent full, it may be shipped. Prior to sealing the box, complete the CDCR Form 2205 for all files in the box. Verify that the files in the box match the files listed on the CDCR Form 2205. Place a copy of the CDCR Form 2205 in the box, and provide the original to the unit supervisor.

##### **Staff Request for Field File**

If retrieval of a discharged offender’s field file is needed after shipping to Parole Case Records, parole unit staff shall call Parole Case Records. Requests for discharged field files shall be initiated by staff at the level of Parole Administrator or above.

#### **81090.8.2 Parole Case Records Procedures for Discharged Offender Field Files**

After receiving the file boxes from parole units, Parole Case Records staff shall enter the items into the tracking system and assign a box number. These materials shall be organized by box number or CDC number to include a copy of the CDCR Form 2205, and shall be stored according to the DAPO Records Retention Schedule or until such time as the Department scans the files for electronic retention.

#### **81090.9 Parole Agent Field Book Policy**

The parole agent shall maintain a SOMS Face Sheet and CDCR Form 1650-D for each assigned offender. These forms shall be maintained in a three-ring binder in alphabetical order by the offender’s last name, with the CDCR Form 1650-D behind each offender’s SOMS Face Sheet. These forms shall compose the field book.

The field book is not a personal tool belonging to the parole agent, but is State property, and its contents are subject to review by any divisional peace officer or other authorized person(s) at any time. The field book is a vital operational and safety tool which provides current information about offenders. As such, the parole agent shall have access to their field book while on duty. The parole agent shall ensure the field book is left in a secure location in the parole unit during scheduled vacation or any other planned leave. The field book shall never be left unattended where an unauthorized individual can gain access to it. The field book shall never be left overnight in a State vehicle. The parole agent shall report the theft or loss of their field book to the unit supervisor immediately upon discovery that the field book is missing.

#### **81090.9.1 Parole Agent Field Book and Photograph Procedures (At Time of Initial Interview)**

- Take a minimum of three mug shot photographs of the parolee without glasses, hats, scarves, or other items that can cover or obscure the head and/or face. The three photographs shall include a full-face frontal primary mug shot, one left facial profile, and one right facial profile.
- If the parolee wears glasses, a photograph of the parolee with glasses.
- Update the Face Sheet information as needed, and maintain the Face Sheet with current information in the field book.
- Complete CDCR Form 1650-D.
- When transferring a case to another parole agent, record the date and time of the transfer on the CDCR Form 1650-D. The receiving parole agent shall record the date and time the case was received.

**81090.10 Revisions**

The DAPO Director or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

**81090.11 References**

CCR, Title 15, Division 2, section 2510 et seq.

DOM §§ 84100, 84110, 86050, and 86080.

**ARTICLE 10 — USE OF STATE VEHICLES**

*Effective May 1, 2017*

**82000.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) that all DAPO staff be familiar with the guidelines and procedures for use of State vehicles.

**82000.2 Purpose**

The purpose of this article is to address the assignment and use of a State vehicle, the State Voyager Card, monthly travel log, and vehicle maintenance and repair. This article will also address the caged vehicle management, Internal Revenue Services (IRS) reporting requirements, reporting procedures for accidents, and employee vehicle change requests.

**82000.3 Responsibilities**

All DAPO employees who use a State vehicle are responsible for reviewing and complying with the State vehicles fleet rules provided in the Department of General Services (DGS), Office of Fleet and Asset Management (OFAM) Handbook, the State Administrative Manual (SAM), the California Code of Regulations (CCR), the California Vehicle Code and the appropriate Memorandum of Understanding. DAPO shall also utilize the designated CDCR database to manage State vehicles. State vehicles shall only be used for conducting official State business.

**82000.4 Vehicle Assignment**

Vehicle assignment is at the discretion of the Parole Administrator. Parole Administrators shall endeavor when feasible and appropriate to keep currently assigned vehicles with the assigned parole agent upon movement within the same region. The regional vehicle coordinator shall oversee and be notified of any vehicle operator changes via Form OFA 50G, Monthly Rental Lease Agreement. The regional coordinator is responsible for ensuring that the Office of Business Services (OBS), Fleet Management Unit (FMU) receives all vehicle updates and copies of the Form OFA 50G.

Employees shall not receive preference over the assignment of a State vehicle based on job seniority, caseload assignment, or other factors. The Parole Administrator or designee shall evaluate the parole unit needs and shall determine the assignment, distribution, and rotation of State vehicles.

The Form OFA 50G shall be completed upon assignment of a CDCR-owned vehicle or DGS leased vehicle or to update a driver's information, including new vehicle assignments, unit assignment, billing code changes, and changes in the driver's last name. Each time a vehicle assignment changes, a new home storage permit must be completed. For CDCR-owned vehicles and DGS leased vehicles, the supervisor shall ensure Form OFA 50G is completed and a copy sent via electronic mail to the regional vehicle coordinator. The original shall remain with the parole unit.

**82000.5 Use of a State Vehicle**

The use of a State vehicle shall provide for the transportation needs required by employees in the performance of their duties. When an employee is not using their assigned State vehicle beyond two weeks, for any reason, including a worker's compensation claim, extended sick leave, official military orders, or vacation, the Parole Administrator or supervisor shall notify the regional vehicle coordinator and ensure the vehicle is parked at the regional headquarters, parole unit, or another designated location. In the event the vehicle is required by another employee who might be able to return a rental or pool vehicle, the Parole Administrator or supervisor shall notify the regional vehicle coordinator of the change.

The use of a State vehicle for other than State business is prohibited. An employee will not be allowed to operate a State vehicle except as authorized by DAPO, DGS, and in compliance with the California Code of Regulations (CCR) Title 2, subsection 599.808. A DAPO employee utilizing a State vehicle must comply with the following rules:

- Transporting any person in a State vehicle, other than persons directly involved in official State business, is prohibited unless permission is obtained in advance for each trip from the employee's Parole Administrator, via the chain of command.
- Properly report personal use of the State vehicle to the IRS and the Franchise Tax Board by completing the CDCR Form 1804, Personal Use of State Provided Vehicle Employee Certification.
- Smoking in State vehicles is prohibited.
- Periodic maintenance of the vehicle.
- Maintain the cleanliness of the vehicle.

**Unauthorized Use of State Vehicle**

The use of a State vehicle for any purpose when the employee is off-duty is considered personal use and is an unauthorized use of a State vehicle.

**82000.6 State Pool Vehicle Checkout and Return Procedures**

All employees shall notify the appropriate headquarters' pool coordinator as soon as practical to reserve a State pool vehicle if one is needed for State business. A State pool vehicle is a CDCR-owned vehicle or DGS leased vehicle that can be reserved for use on a short term basis from an appropriate headquarters' pool. State pool vehicles should not be assigned exclusively to an employee and should only be checked out for short periods of time as needed for intermittent State business. All State pool vehicle keys shall be maintained by the designated pool vehicle coordinator when not in use in order to allow other employees access to the vehicle if needed. All State pool vehicles must have a form STD. 273, Monthly Travel Log and a State Voyager Card assigned to it. All employees who check out a State pool vehicle are required to complete form STD. 273 in its entirety by documenting miles, date(s) traveled, location where vehicle is stored, driver's name, and destination. The time and odometer readings shall be entered at the beginning and at the end of each use of the vehicle. Supervisors maintaining the travel logs must ensure they are completed correctly, that all Monthly Travel Logs for each vehicle are retained for the current and preceding fiscal years, and make the logs available for review upon request. This procedure shall be completed in addition to the process for requesting a State pool vehicle from regional or division headquarters. All State pool vehicles shall be returned clean and with a full tank of gas. Form STD. 273 is available at <http://www.dgs.ca.gov/ofam/Forms.aspx>.

**82000.7 Use of State-Issued Vehicles, Vehicle Home Storage Permit**

In accordance with CCR, Title 2, section 599.808, form STD. 377, Vehicle Home Storage Request/Permit, must be submitted and approved by the employee's Director or designee and the permit must be issued by the Office of Business Services (OBS) before a State vehicle can be frequently stored at or in the vicinity of an employee's home regardless of the reason. Upon the Director's or designee approval, form STD. 377 shall be uploaded to the designated CDCR database. Form STD. 377 must be renewed annually per the OBS, FMU, Vehicle Home Storage Permit (VHSP) Renewal schedule. Form STD. 377 is available at <http://www.dgs.ca.gov/ofam/Forms.aspx>.

CCR, Title 2, section 599.808 establishes the criteria governing eligibility of a VHSP. In addition to this criteria, DAPO requires the following before a form STD. 377 is approved. To be eligible for a VHSP, the employee must meet the criteria outlined below for either an Essential and/or a Cost-Effective permit:

**Essential VHSP Criteria**

An essential VHSP is deemed necessary even though it may not be cost-effective. An essential VHSP must meet all the following criteria:

1. The individual must respond to emergency events after hours as a primary responder.
2. The emergency responder must respond to the field, rather than to a State facility where their vehicle could be stored.
3. The emergency responder must be able reach the emergency event within 30 minutes to no more than 1 hour.
4. The emergency response must require specialized equipment that is not transferrable to a personal vehicle or activity that is not reasonable for a personal vehicle (i.e., taking a felon into custody).
5. The emergency response must be for health and safety purposes (i.e., responding to hazards or criminal activity).

6. The individual only takes a vehicle home when needed as a primary responder.
7. The individual must respond to a minimum of 24 emergency responses annually.

*Approvers must not approve an essential VHSP for any employee who does not meet all of the above criteria.*

#### Exemptions

The DGS allows an exemption for an essential VHSP that does not meet the requirement of a minimum of 24 emergency responses annually if the program can demonstrate a significant health and safety risk to the public if a VHSP is not approved. A program shall provide an approved form STD. 377 and a narrative to substantiate the critical need for the VHSP to the OBS FMU. The OBS submits the exemption request package to the DGS for review and approval or denial and will notify the program of the DGS's decision.

#### Cost-Effective VHSP Criteria

A cost-effective VHSP must meet at least one criteria each from both Category A and Category B:

##### Category A

1. The employee has a CDCR approved home office separate from the CDCR's facilities. Generally, the employee's duty statement and personnel file will denote that their reporting office is their home, or
2. The vehicle is essentially the employee's office (i.e. performing requisite duties in the field on a daily basis directly from his/her home). However, the employee may still be required to occasionally work from a state office, and

##### Category B

3. The employee's job (as reflected on the official duty statement) requires substantial field work (greater than 50 percent) and it is more efficient for the employee to travel directly to the field work location, or
4. The employee drives directly to the field from home and/or has work related after-hour activities for 50 percent or more work days within a given month.

*Approvers must not approve a cost-effective VHSP for any employee who does not meet the above criteria. Program must document, report, and record information as necessary to support the issuance of a cost-effective VHSP. These general standards for cost effectiveness justify the use of a State vehicle versus reimbursement for the use of a personal vehicle or rental – it is not a justification for the State to pay for personal commute miles associated with taking a vehicle home. Providing for personal commuter transportation is not an obligation of the State.*

The completed form STD. 377 shall be thoroughly reviewed by the Director or designee to ensure the justification meets the criteria for approval.

Employees cannot receive a VHSP if their physical residence is further than 65 miles from the employee's primary work site. This distance is measured as a straight line, which provides the actual distance between two points. The straight line distance is commonly referred to "as the crow flies." You may calculate the distance between two points described "as the crow flies" by using the following link: <http://tjpeiffer.com/crowflies.html>.

Employees who receive a State-issued vehicle shall sign the CDCR Form 2257, Vehicle Usage Requirements. The completed Form 2257 and a copy of the approved STD. 377 shall be maintained in the employee's file maintained by the supervisor. A current home address is required on all home storage permits. Employees without an approved VHSP will not be permitted to store/park the vehicle at their residence. Nothing in this section precludes a form STD. 377 from being submitted and approved for an out-of-state residence as the State Motor Vehicle Liability Self-Insurance Program provides coverage in the lower 48 continental United States. (The State Motor Vehicle Self-Insurance Program is discussed in SAM section 2420.)

#### 82000.8 Caged Vehicle Management

A law enforcement vehicle may include a safety cage for the driver's safety from parolee-passengers. A safety cage is a frame specifically engineered and constructed around the back seat of law enforcement

vehicles. The use of a caged vehicle is not a substitute for parole agent vigilance where safety is of paramount importance. The placement and removal of a parolee from a vehicle is critical during transport. When transporting, parole agents should always exercise due caution. Planning should be made with the community and parole agents' safety at the forefront of the decision-making process as follows:

- The unit supervisor will formally assign a caged vehicle that is designated for an office location or parole unit to a specific Parole Agent II. This will be considered the assigned Parole Agent II's normal duty vehicle. As such, the caged vehicle will not be an "extra vehicle" parked at the office and available for random use.
- The unit supervisor may assign the caged vehicle to a parole agent other than the Parole Agent II if that assignment addresses the operational needs of the parole unit. The decision to assign the caged vehicle to a parole agent other than the Parole Agent II will require prior approval of the District Administrator.
- The parole agent who is assigned a caged vehicle will use the vehicle for state business.
- When there is a request from another parole agent from within the parole unit or office complex to use the caged vehicle for extra safety and security purposes while transporting a parolee to or from custody or other emergency situations, a reasonable effort shall be made to make the caged vehicle available to the parole agent.
- When the parole agent who is assigned a caged vehicle is away from the office for a period that exceeds two consecutive working days, the unit supervisor will ensure that the parole agent who is assigned the caged vehicle exchanges the vehicle with another parole agent.

#### 82000.9 Monthly Travel Log

SAM section 4107 requires State agencies maintain a monthly travel log, Form STD 273, on all CDCR-owned vehicles and DGS leased vehicles. Employees shall complete the Form STD. 273 in its entirety by documenting miles, date(s) traveled, location where vehicle is stored, driver's name, and destinations. The time of the odometer readings shall be entered at the beginning and end of each day. Employees must submit the monthly travel log to their supervisor by the 25th of each month for CDCR-owned or leased vehicles. For leased vehicles, the supervisor shall submit the monthly travel log information to the unit support staff and ensure they submit the data electronically to DGS via the online monthly travel log application at <https://www.dgsapps.dgs.ca.gov/OFA/MileageLog/> by the third working day of the subsequent month. The supervisor will also ensure the monthly travel log information is uploaded to the designated CDCR database by the third working day of the subsequent month. Late submission of the monthly travel log information to DGS by the sending unit may result in the assessment of a late fee.

In instances where it is absolutely impossible to enter the current mileage in any given month, the supervisor shall inform the regional vehicle coordinator the reason why the mileage cannot be updated and submitted to DGS.

Form STD. 273 shall continue to be the only authorized method to report the required monthly travel log information to DGS. Copies of Form STD. 273 shall be retained by the supervisor and be available for review by DGS upon request. Logs for the current and immediately preceding previous fiscal year shall be retained for a period of 12 months for each fiscal year. Each fiscal year, the logs shall be updated to include the log for that current fiscal year and for the previous year every year.

#### 82001 Use of the State Voyager Card

A State Voyager Card is assigned to each State-issued vehicle and shall remain with the vehicle to which it is assigned. Approved use of the State Voyager Card throughout the State of California includes the following:

- Purchase of regular grade (unleaded) fuel, alternative fuel, diesel fuel, or fuel specifically required by vehicle manufacturer; fluids; and lubricants.
- Two basic (low-cost) car washes per month. (During Statewide water conservation, it is recommended vehicles be washed only in cases where not doing so would impede safe operation of the vehicle).
- Emergency purchases such as windshield wiper blades, fan belts, or a replacement tire.
- Emergency roadside assistance through the National Automobile Club (800) 600-6065.
- Oil changes are not authorized.

**82001.1 Employee Vehicle Change Request**

An employee may request to change their assigned vehicle for a larger or smaller vehicle, for a different type of vehicle, or for a reasonable accommodation due to a disability and/or medical condition which affects the employee's ability to drive the assigned vehicle.

A request for a change in vehicle assignment that is based on a disability and/or medical condition shall be made via the CDCR Form 855, Request for Reasonable Accommodation. The employee shall complete sections A and B of the form, provide supporting medical documentation, and submit it to their supervisor.

The supervisor shall discuss the essential functions and noted limitations with the employee. After the supervisor has discussed the essential functions and limitations with the employee, the supervisor shall complete the CDCR Form 855, section "Immediate Supervisor." The completed CDCR Form 855 shall be forwarded to the regional return to work coordinator (RTWC) for processing.

The RTWC shall discuss the reasonable accommodation process with the employee to identify if an accommodation is possible. The reasonable accommodation process requires a list of the essential functions of the employee's classification be provided to the employee's designated physician. After reviewing the essential functions, the RTWC will request the physician to provide the RTWC with a written response as to whether the employee is able to perform the essential functions of the job and outline any and all limitations the employee may have. The RTWC is responsible for directing the reasonable accommodation process. To expedite this process, the employee should be responsive to information requests made by the RTWC.

If the supervisor discovers that the request is due to an on-the-job injury or illness, the supervisor shall provide the employee with a State Compensation Insurance Fund, Workers' Compensation Claim Form e3301 within 24 hours of discovery and notify the Parole Administrator. The supervisor shall then contact the RTWC to coordinate the submission of all necessary workers' compensation forms. State Compensation Insurance Fund Workers' Compensation Claim Form e3301, can be accessed at:

<https://www.statefundca.com/home/StaticIndex?id=http://content.statefundca.com/forms/AllForms.aspx>.

A request for a change in vehicle assignment that is not based on a verifiable disability and/or medical condition can be made by submitting a written request to the supervisor via the CDCR Form 1617, Memorandum. This request shall include:

- An outline of the specific request being made.
- An explanation or justification as to why the request should be granted.

The supervisor shall review and consider the request based on its merit. The supervisor shall approve or deny the request in writing and provide a response to the employee within 20 working days of receipt.

For any approved request for a different assigned vehicle, the supervisor shall notify the Parole Administrator and make the necessary arrangements with the regional vehicle coordinator or designee to determine if a vehicle is available to meet the needs of the employee.

**82001.2 Use of Personal Vehicles**

It is expected that assigned State vehicles shall provide for the transportation needs required by employees to perform their duties in the community. Should circumstances occur that preclude the use of the standard assigned State vehicle, the employee may request approval from the supervisor to use their personal vehicle and request mileage reimbursement. If approved to utilize a personal vehicle, the employee shall complete Form STD. 261, Authorization to Use Privately Owned Vehicles on State Business. This form is required to be updated annually. The personal vehicle must be used in compliance with California Vehicle Code (i.e., current registration and proof of insurance.)

The employee, with prior supervisor approval, can elect to drive their personal vehicle when scheduled for Officer of the Day (OD) duty or a prescheduled office day and will not be reporting to the field. Mileage will not be reimbursed, as these are considered "commute miles." The employee shall still maintain access to their State-issued safety

equipment, (i.e., ballistic vest, baton, etc.) The referenced STD. form is available at <http://www.dgs.ca.gov/ofam/Forms.aspx>.

**82001.3 Rental Vehicles and Vehicles Larger Than Standard State Vehicles**

DAPO provides CDCR-owned vehicles or DGS leased vehicles for use by employees. The use of rental vehicles and/or larger vehicles requires an increased diligence by the Parole Administrator or the supervisor in reviewing and/or approving such requests. The regional vehicle coordinator shall oversee the use of a rental vehicle or assignment of vehicle larger than a standard State vehicle. Under no circumstances shall the request be approved based solely on the employee's personal preference. If an employee is using a rental vehicle, the supervisor and regional vehicle coordinator will track monthly and ensure the rental is returned immediately when a State vehicle is available for permanent assignment to the employee.

**82001.4 Reporting Personal Use of CDCR-Owned or Leased Vehicles**

The value of all personal use of State vehicles is taxable and must be reported to the State Controller's Office according to the IRS. Each calendar month, the employee must complete the CDCR Form 1804, Personal Use of State Provided Vehicle Employee Certification, reporting personal use miles. The CDCR Form 1804 shall be submitted to the supervisor along with the Form STD. 273 on a monthly basis whether or not personal use miles were logged in that month.

The supervisor shall ensure that a completed Form STD. 273 and CDCR Form 1804 are forwarded within three days following the end of each month to:

Accounting Services Branch – Sacramento

Accounts Payable D

PO Box 187021

Sacramento, Ca 95818-7021

**82001.5 Maintenance and Repair**

The assigned employee of the CDCR-owned or leased vehicles shall ensure bi-annual smog tests are conducted. Preventative maintenance, repairs, and safety inspections on the vehicle shall be made in accordance with the manufacturer's recommended intervals but at a minimum of every 6,000 miles or every six months whichever occurs first. The safety inspection shall be made in accordance with items outlined on the Form OFA 35, Preventative Maintenance Schedule/Safety Inspection Work Sheet. Once a safety issue is known, and not more than 48 hours thereafter, the assigned operator shall have the State vehicle delivered for repair through a State-approved automotive repair shop. The preventative maintenance and repair information shall be logged in the Automotive (Automobile) Maintenance Form STD. 271, which is to be kept in the State vehicle's glove compartment. Maintenance receipts for the vehicle shall be maintained for three years. Forms OFA 35, Preventative Maintenance Schedule/Safety Inspection Work Sheet, and STD. 271 can be accessed at <http://www.dgs.ca.gov/ofam/Forms.aspx>.

Approved vendors for all oil changes, repairs, and routine maintenance require direct invoicing. OFAM preapproved vendors, can be found via: [https://www.dgsapps2.dgs.ca.gov/OFA/Approved\\_Auto\\_Rpr\\_Fac/](https://www.dgsapps2.dgs.ca.gov/OFA/Approved_Auto_Rpr_Fac/). The OFAM strongly encourages State drivers, where practical, to utilize authorized vendors offering re-refined oil for oil change services. Visit the OFAM website at: [www.dgs.ca.gov/OFAM](http://www.dgs.ca.gov/OFAM) for facts on re-refined oil. The Parole Administrator shall inspect each assigned vehicle on a monthly basis to ensure the vehicle has not been damaged. Disciplinary action may be taken if it is determined the damage to the vehicle is due to the vehicle operator's neglect. The vehicle operator may be responsible for the repair costs of the vehicle.

In the event of vehicle damage due to the vehicle operator's neglect, the CDCR Form 1617, Memorandum shall be uploaded to the designated CDCR database and submitted to the Regional Headquarters Employee Relations Office and the Chief Deputy Regional Administrator for further review.

**82001.6 Emergency Roadside Service**

There is 24-hour emergency roadside service available by contacting the National Automobile Club at (800) 600-6065.

**82001.7 Reporting Procedures for Motor Vehicle Accidents**

State vehicles driven by staff are insured through the State Motor Vehicle Liability Self-Insurance Program. Personal vehicles approved for use on State business shall be insured through personal insurance.

All accidents involving DGS leased, CDCR-Owned, or privately-owned vehicles while on State business must be reported to the DGS Office of Risk and Insurance Management (ORIM) on the form STD. 270, Vehicle Accident Report within 48 hours of the occurrence. At the scene of the accident, the Form STD. 269, Accident Identification located in the glove compartment of State vehicles, must



be completed and the tear-off portion provided to the other involved party or parties.

If the accident resulted in bodily injury to a non-State employee, or if there is significant damage to property, the accident must be reported immediately by telephone to the ORIM, followed by a faxed copy of the Form STD. 270. In all instances, the original Form STD. 270 must be sent to the ORIM within 48 hours. In addition, the driver's supervisor must review the circumstances of the accident, complete the Form STD. 274, State Driver Accident Review, and forward to the ORIM within five working days.

The ORIM contact information is as follows:

Office of Risk and Insurance Management

707 Third Street, First Floor

West Sacramento, CA 95605

(916) 376-5302, or via FAX at (916) 376-5277

(916) 376-5295 (weekends/holidays-leave message)

When the accident involves a private vehicle of a State employee approved for use during State business, the employee should also contact their private insurance carrier. If reimbursement for the cost of repair is sought, the employee or their insurance company must provide receipts and file a claim with the Department of General Services Government Claims Program. Information and claim forms are available at

<http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>.

A copy of both forms STD. 270 and STD. 274 must be forwarded to the Chief Deputy Regional Administrator, via the regional vehicle coordinator, the CDCR's ORIM, the Property and Liability Unit, and uploaded to the designated CDCR database. Copies shall also be retained by the Parole Administrator and the supervisor at the local level. The supervisor shall ensure that all assigned State vehicles are adequately stocked with Form STD. 269, Accident Identification and that Forms STD. 270 and 274 are readily available. The referenced STD. forms are available online at <http://www.dgs.ca.gov/ofam/Forms.aspx>.

#### **82002 Citations and Toll Evasions Received While Operating a State Vehicle**

It is DAPO's expectation that all vehicle operators adhere to all applicable laws and rules regarding safe driving. The driver is responsible for any citations, parking tickets, moving violations, and/or bridge toll road evasion fines while operating a State or rental vehicle.

For leased vehicles, the driver shall notify OFAM as soon as operationally possible after being issued a citation while operating a State vehicle by calling the Fleet Services Call Center at (855) 611-OFAM (6326).

#### **82002.1 Defensive Driver Training**

All DAPO employees who conduct official State business in a State vehicle shall successfully complete the Defensive Driver Training Program initially upon assignment of a State vehicle and every four years thereafter in accordance with the SAM, section 0751. Employees must maintain a valid defensive driver certificate whenever operating a State vehicle and shall produce this copy upon request. Supervisors shall ensure employees who drive on State business are current in their defensive driver training. A copy shall be placed in the employee's supervisory file. The supervisor shall ensure the defensive driving certificate along with the CDCR Form 844, Training Participation Sign-In Sheet, is uploaded to the designated CDCR database and a copy is forwarded to the regional training coordinator. Course scheduling information may be obtained by accessing the DGS website and completing the online course at: <http://www.dgs.ca.gov/orim/Programs/DDTOnlineTraining.aspx>.

#### **82002.2 Modifications to State Vehicles**

Any State vehicle modifications require prior approval from the Chief Deputy Regional Administrator. Requests for State vehicle modifications will be processed through the regional vehicle coordinator and a DGS inspector. The Form OFA 155, Equipment Modification Request will be required for approval along with the appropriate quotes from DGS-approved vendors. All approved and/or disapproved forms shall be uploaded to the designated CDCR database.

#### **82002.3 Revisions**

The DAPO Director or designee shall ensure that this Article is current and accurate.

#### **82002.4 References**

CCR (2) (1) §599.808.

SAM §§ 0751 and 4107.

VEH § 40200(A).

ACA Standards 4-APPFS-3H-01, 4-APPFS-3H-02 and 4-APPFS-3H-03.

Code of Federal Regulations, Title 26, Internal Revenue, Chapter I, Subchapter A, Part 1, Section 1.274-5, Substantiation Requirements.

### **ARTICLE 11 — PAROLE GRANT RELEASE PROCESS**

*Effective February 5, 2018*

#### **82100 Policy**

At the conclusion of a Board of Parole Hearings (BPH) parole suitability hearing in which the BPH determines the inmate is suitable for parole, the inmate's release documents shall be prepared and processed according to procedures outlined in this policy.

##### **82100.1 Purpose**

The purpose of this policy is to ensure consistent release procedures and communication between BPH, Division of Adult Institutions (DAI), and the Division of Adult Parole Operations (DAPO).

##### **82101 Initial Parole Unit Assignment Responsibilities**

The address listed in "Parole Plan #1" on BPH Form 3005, Parole Verification Document, shall be used to determine the initial parole unit assignment.

##### **82101.1 Board of Parole Hearings Procedures**

When an incarcerated inmate is granted parole by BPH, a transcript of the hearing shall be provided to the BPH Offender Investigations and Screening Division (OISD) to conduct a preliminary review. OISD shall complete the BPH Form 3005 within 60 days of the BPH hearing. OISD shall document the following information on BPH Form 3005:

- Type of parole grant (lifer, elderly, youth, etc.).
- Proposed residences, in order of priority.
- County of Last Legal Residence (CLLR).
- Programs required by BPH.
- Inmate problem areas.
- Inmate support system.
- Residency restrictions and location concerns, such as a victim or witness residing in the same county as a proposed residence.
- BPH required conditions of parole, pending BPH approval.
- BPH recommended conditions of parole, pending BPH approval.

If a program is not proposed by BPH, OISD will note transitional housing to be determined by DAPO. OISD will forward the BPH Form 3005 to the DAPO Community Transition Program (CTP) via electronic mail to: [CTPCallCenter@cdcr.ca.gov](mailto:CTPCallCenter@cdcr.ca.gov).

##### **82101.2 Community Transition Program Procedures**

Upon receipt of the BPH Form 3005, CTP staff shall forward the form to the appropriate Regional Reentry Unit for parole unit assignment based on the proposed address. If a proposed address is not listed on the form, CTP staff shall assign the inmate to a state-sponsored program based on the inmate's case factors, criminogenic needs, and any geographical restrictions imposed by BPH. CTP staff may make changes to an inmate's program placement at any time prior to the BPH Form 3005 being verified by the assigned parole unit. Within one business day of notification of parole unit assignment, CTP staff shall forward the BPH Form 3005 to the unit supervisor of the assigned parole unit.

CTP staff shall maintain a log containing the following information:

- Inmate's name and CDCR number.
- Hearing date at which BPH granted parole.
- Assigned BPH Investigator.
- BPH Form 3005 status as an initial or subsequent placement document.
- Date the BPH Form 3005 was received from BPH.
- BPH Form 3005 due date.
- CLLR.

- Assigned parole unit and name of unit supervisor.
- Name of proposed residential program, if any.
- Date the BPH Form 3005 was sent to assigned parole unit.
- Governor's reverse decision date, if applicable.

If the inmate has an active United States Immigration and Customs Enforcement hold, detainer, or warrant and does not have an address listed on the BPH Form 3005, CTP staff shall process the BPH Form 3005 according to this Article.

#### **82101.3 Regional Reentry Unit Procedures**

Within one business day of receipt of BPH Form 3005, the Regional Reentry Unit shall assign the case to a parole unit and notify CTP staff of the parole unit assignment.

Normally, BPH Form 3005 will be received prior to the Regional Reentry Unit's receipt of the electronic Release Program Study (RPS), via routing through the Strategic Offender Management System (SOMS). The Regional Reentry Unit shall not wait for the RPS and shall assign the case based solely on the information on the BPH Form 3005. When a RPS is received first, it shall be retained pending receipt of the BPH Form 3005.

#### **82101.4 Institutional Case Records Procedures**

If the Minimum Eligible Release Date (MERD), Youth Parole Eligibility Date (YPED), or Elderly Parole Eligibility Date (EPED) is within 210 days, the correctional counselor will be notified via the Classification Actions Due to initiate the RPS while Case Records staff continues to monitor the Case Records Action Due (CRAD). Staff shall not wait for the BPH Form 3005 to complete the RPS process. If the inmate is granted parole and due to be released in less than 210 days, upon notification from BPH, RPS will be electronically rerouted to the Regional Reentry Unit within SOMS. In the event the inmate's tentative release date is greater than 210 days, the RPS will be held until reaching the 210th day from the MERD, YPED, or EPED, and then processed.

The correctional counselor shall enter "see attached Parole Verification Document" in the proposed employment and residence sections of the RPS. The correctional counselor shall complete the remainder of the form according to current policy. Upon completion, the RPS will be electronically routed to the Regional Reentry Unit within SOMS. The Institution Classification and Parole Representative (C&PR) will receive a copy of the BPH Form 3005 PVD from CTP. The C&PR will allocate a Case Records Technician to then scan the BPH Form 3005 PVD into the BPH section of the inmate's profile in the Electronic Records Management System (ERMS).

#### **82101.5 Parole Unit Procedures**

Unless a shorter due date is requested by the CTP supervisor, the parole agent shall have five business days from assignment of the BPH Form 3005 to verify the proposed residence and employment. The purpose of the verification visit shall be to determine if the inmate's proposed residence and employment are viable. When making the assessment of viability, the cost of housing and/or length of time available to reside at the residence shall not be sufficient reasons to find the proposed residence not viable. The parole agent may note concerns about the potential for homelessness or short-term nature of the residence in the Comments section. The parole agent shall also complete the CDCR Form 1658, Parolee Residence/Employment Verification and submit this form with the BPH Form 3005.

##### **82101.5.1 Procedures for Not Viable Parole Plan**

The unit supervisor shall ensure the parole agent explains the reason for finding the proposed plan not viable on the BPH Form 3005, and that an alternate placement suggestion is included on the form. The form shall be submitted to CTP via electronic mail to: CTPCallCenter@cdcr.ca.gov.

CTP staff shall proceed as described in section 82101.6.

##### **82101.5.2 Procedures for Viable Parole Plan**

The unit supervisor shall ensure that a detailed description of the residence is included on the BPH Form 3005, and submit it and the CDCR Form 1658 via electronic mail to: CDCRLiferInvestigations@cdcr.ca.gov. The form must be submitted on or before the due date provided by CTP staff.

Within one business day of submission of the BPH Form 3005, the parole agent shall complete CDCR Form 611 and submit the form to the unit supervisor. The unit supervisor shall ensure the CDCR Form 611 and BPH Form 3005 are submitted to the institution where the inmate is currently housed.

#### **82101.6 Subsequent Board of Parole Hearings Form 3005 Procedures**

If the inmate's primary address and any other addresses listed on the BPH Form 3005 are found not viable, CTP staff shall initiate a subsequent BPH Form 3005. CTP staff shall make an assignment to a State-sponsored program in the inmate's CLLR. If the inmate is not able to reside in their CLLR due to an approved CDCR Form 1707, Special Condition of Parole, or lack of program availability in the CLLR, CTP staff shall assign the inmate to a State-sponsored program outside of the CLLR. CTP staff will process the subsequent BPH Form 3005 according to the procedures described in this Article.

##### **82101.6.1 Regional Reentry Unit Procedures for Subsequent Board of Parole Hearings Form 3005**

Within one business day of receipt of a subsequent BPH Form 3005, the Regional Reentry Unit shall:

- Assign the case to a parole unit.
- Notify CTP of the parole unit assignment.
- Obtain a copy of the inmate's pre parole packet via ERMS, where it electronically will reside, and initiate a transfer in SOMS to the new parole unit.

##### **82101.6.2 Parole Unit Procedures for Subsequent Board of Parole Hearings Form 3005**

The unit supervisor shall ensure the case is assigned to a parole agent and the transfer is accepted from the previous unit within one business day of receipt. The parole agent shall process the subsequent BPH Form 3005 within five business days according to section 82101.5, unless the BPH Form 3005 is expedited by the CTP Supervisor.

#### **82101.7 Parole Grant Vacated, Rescinded, or Reversed**

If an inmate's parole grant is vacated, rescinded, or reversed by BPH or the Governor, the BPH Legal Division will notify CTP via electronic mail to: CDCRLiferInvestigations@cdcr.ca.gov, and the Institutional Case Records staff at the institution where the inmate is housed. CTP staff shall notify the unit supervisor of the assigned parole unit and the Regional Reentry Unit via electronic mail. Upon notification the parole has been rescinded, vacated, or reversed the supervisor responsible for the current level of review will initiate the cancelling of the document in SOMS. If the form has already been finalized or passed the second review stage it can no longer be cancelled, the form is to stay as is in SOMS, and when the offender is within 210 days from release a new RPS will then be re-initiated. The unit supervisor shall then ensure that any field file created is destroyed.

##### **82101.7.1 Parole Granted-Inmate Serving a Consecutive Determinate Term**

An inmate may be granted parole on an indeterminate sentence and still must serve a determinate term if the court ordered it served consecutive to the indeterminate term. When this occurs, Institutional Case Records staff shall notify CTP via electronic mail to: CTPCallCenter@cdcr.ca.gov, according to current department procedures for determinate term releases. CTP staff shall verify the BPH Form 3005 submitted when parole was granted for the indeterminate term is still viable, or generate a subsequent BPH Form 3005 if the original is not viable.

If the release date is less than one year, the assigned parole unit shall send the CDCR Form 2202, Request for Discharge Review Date/Controlling Discharge Date Documentation via electronic mail to: CDCR PCR-DRD-CDD for the appropriate updates. The field file shall be maintained in the parole unit.

If the release date is more than one year, the BPH OISD will generate a new BPH Form 3005 prior to release.

#### **82101.8 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

#### **82101.9 References**

Penal Code §§ 3041.1 and 3041.2

California Code of Regulations Title 15, Sections 3075.2 and 3076.5.

**ARTICLE 13 — UNASSIGNED****ARTICLE 14 — UNASSIGNED****ARTICLE 15 — UNASSIGNED****ARTICLE 16 — COMMUNITY-BASED PROGRAM OVERVIEW***Revised October 11, 2018***83010.1 Introduction**

Community-based programs provide the opportunity for transition from close confinement to less restrictive living for selected inmates. Placing inmates in these programs also reduces prison overcrowding. The Division of Adult Parole Operations (DAPO) administers the reentry program through policies and procedures designed to accomplish program objectives in a cost-effective manner.

California Department of Corrections and Rehabilitation (CDCR) staff monitor facility practices through a range of techniques intended to assess policy compliance and provide for corrective action. CDCR staff and contractors help inmates participating in community-based programs make the transition from prison to the community by providing a range of services. Additionally, they initiate the necessary action to interrupt any participant behavior that threatens the facility or the community. They also provide those services necessary to begin a successful transition to parole or post-release community supervision.

**83010.2 Policy**

The Penal Code (PC) authorizes the Secretary to operate community correctional centers and to contract with public agencies and private vendors for the operation of re-entry facilities. Inmates who reside in community reentry facilities may participate in programs that are provided through these facilities. For the purposes of Chapter 8, Articles 16 through 25, when an inmate is participating in these programs, they shall be referred to as participants.

Community-based programs are composed of the following subprograms:

- **Work Furlough:** Selected inmates who are within 90 to 120 days of parole may reside in community re-entry facilities and participate in employment, vocational training, or educational programs in the community. The inmate is expected to establish employment, stable residence, and family ties.
- **Community Prisoner Mother Program (CPMP):** The CPMP allows eligible pregnant inmates and inmate mothers the opportunity to be housed with their children in a supervised facility away from the prison setting. The primary focus of the CPMP is to reunite mothers with their child(ren) and re-integrate them back into society as productive citizens by providing a safe, stable, wholesome and stimulating environment; establish stability in the parent-child relationship, and provide the opportunity for inmate mothers to bond with their children and strengthen the family unit.
- **Alternative Custody Program (ACP):** The ACP is authorized by PC 1170.05. PC 1170.05 requires CDCR to operate a program that allows eligible inmates committed to State prison to serve their sentence in "a residential home, a residential drug or treatment program, or a transitional care facility." Both male and female inmates are eligible for ACP participation. The inmate must apply for the program and meet eligibility criteria established by the Division of Adult Institutions (DAI). ACP participants shall be supervised on a parole agent's caseload in the parole unit that serves the geographic area where the participant intends to reside.
- **Male Community Reentry Program (MCRP):** The MCRP is a collaborative effort between the Division of Rehabilitative Programs (DRP), DAI, and DAPO to successfully reintegrate offenders back into the community. Male inmates who meet eligibility criteria determined by DRP may serve a portion of their prison sentence in a MCRP facility in lieu of a State prison. The MCRP is a residential facility located in the community. The

program focuses on providing community based programming relative to the participant's criminogenic needs as identified through their Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment and Case Plan. The programming is accomplished through certified instruction by contract staff at the facility, as well as community-based program referrals to established DAPO and county programs. DAPO staff assigned to the MCRP shall normally be at the level of a Parole Agent II (Specialist).

- **Custody to Community Transitional Reentry Program (CCTRP):** Female inmates who meet eligibility criteria determined by DAI may serve a portion of their prison sentence in a facility contracted with CDCR. DAPO staff assigned to the CCTRP shall normally be at the level of Parole Agent II (Specialist).

**83010.3 Facility Operations Manual**

Each community-based reentry program shall maintain an operations manual. The format for the manual is contained in contracts with the vendor.

**83010.4 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

**83010.5 References**

PC §§ 1170.05, 6250, and 6260.

**ARTICLE 17 — ALTERNATIVE CUSTODY PROGRAM***Revised October 11, 2018***83020.1 Policy**

The Alternative Custody Program (ACP) is authorized by Penal Code (PC) 1170.05, which requires that the California Department of Corrections and Rehabilitation (CDCR) operate programs for inmates to serve a portion of their sentence in a residential home, residential drug or treatment programs, or transitional care facilities. Male and female inmates are eligible for the ACP.

The inmate must apply for the program and meet eligibility criteria established by the Division of Adult Institutions (DAI). Once approved and released to the program, the inmate shall be considered a participant in the program. In the ACP, determination and placement of participants into the County of Last Legal Residence pursuant to criteria in current Division of Adult Parole Operations (DAPO) policy does not apply. Participants shall receive any sentence reduction credits they would have received had they served their sentence in a state prison. Participants may be returned to an institution to serve the remainder of their prison term at any time, with or without cause. ACP participants shall be supervised on a parole agent's caseload in the parole unit that serves the geographic area where the participant intends to reside.

PC 5054.1 shall be used when arresting or placing a hold on a participant, or in the event of an escape. PC 3056, 3000.08, and 1203.2 shall not be used when arresting or placing a hold on a participant. Arrests of participants by DAPO staff shall be conducted in accordance with DAPO policy.

PC 1170.05 requires CDCR to utilize continuous electronic monitoring to ensure participants abide by the requirement that they are restricted to their residence during designated hours. Electronic monitoring shall be used for all participants. The application of an electronic monitoring device for participants is not considered a penalty or sanction, but rather a statutorily mandated supervision tool. A curfew shall be established for all participants. All participants must agree to all of the terms and conditions as set forth by the program, to include mandatory electronic monitoring.

**83020.2 Pre Release Procedures****Division of Adult Institutions**

After tentatively approving an inmate for ACP participation, the DAI Female Offenders Programs and Services (FOPS) ACP Program Manager shall fax or email a copy of the CDCR Form 2234, ACP Application and Voluntary Agreement and CDCR Form 611-A, Alternative Custody Program Information Sheet to the appropriate Regional Reentry Unit. Within one business day, the Regional Reentry Unit shall assign the case to a parole unit, and forward the CDCR Forms 611-A and 2234 to the assigned parole unit.

**83020.2.1 Community Transition Program Staff**

The Classification and Parole Representative (C&PR) at the sending institution shall forward a copy of the CDCR Form 2234 for inmates deemed potentially eligible to the DAPO Community Transition Program (CTP). Upon notification from the C&PR, CTP staff shall:

- Within five working days, complete the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Re-Entry Assessment, Re-Entry Summary, and Case Plan.
- Notify the designated institutional social worker of the completion of the COMPAS tasks.
- The institutional social worker will complete the Individualized Treatment and Rehabilitation Plan (ITRP).

#### **83020.2.2 Parole Unit Support Staff**

Upon receipt of the ACP packet, parole unit support staff shall:

- Immediately forward the ACP packet to the unit supervisor or designee for parole agent assignment.
- Ensure SOMS contains updated identifying and demographic information for the inmate.
- Access the Electronic Records Management System (ERMS) to create a field file.
- Print the ITRP and COMPAS Case Plan for the field file.
- Print any applicable registration forms (e.g., Health and Safety Code 11590 registration).
- After the parole agent and unit supervisor complete the CDCR Form 611-A and CDCR Form 2234, return the completed form as instructed on the form.

#### **83020.2.3 Parole Agent**

Upon assignment, the parole agent shall:

- If the inmate proposes to reside in a private residence or non-State-sponsored program, conduct the residence verification as described in section 83020.3.
- If the proposed residence is not approved, document the decision and justification for denial on the CDCR Form 2234, and submit to the unit supervisor.
- If the proposed residence is approved, proceed as follows:
  - Complete the CDCR Form 1516-ACP, Alternative Custody Program Requirements, and CDCR Form 1516-EID, Alternative Custody Program Electronic In-Home Detention (EID) Special Requirement.
  - Complete Section I, of the CDCR Form 2289, Notice and Request for Assistance during Parole Proceedings.
  - Complete the Parole Outpatient Clinic (POC) referral package (if applicable due to mental health needs).
  - Create an electronic monitoring profile utilizing the current software approved by DAPO.

#### **83020.2.4 Unit Supervisor**

Upon receipt of an approved ACP packet, the unit supervisor shall:

- Notify the Electronic Monitoring Unit (EMU) Support Unit via electronic mail to [emusupport@cdcr.ca.gov](mailto:emusupport@cdcr.ca.gov) to report the participant's scheduled release date and designated ACP location. The EMU Support Unit shall ensure that electronic monitoring equipment is available prior to the participant's release.
- Create a reservation in the electronic monitoring vendor's software.

#### **83020.3 Alternative Custody Program Residence Verification Policy**

Upon receipt of the CDCR Form 2234 for an ACP placement, the unit supervisor shall assign a parole agent to conduct the residence verification. The parole agent shall complete the verification within five business days. If the ACP participant will be placed in a State-sponsored program (e.g., Parolee Service Center, Residential Multi-Service Center) residence verification is not required.

The ACP participant is limited to one opportunity per application to provide a verifiable address. The parole agent shall make a good faith effort to verify the residence; however, if the private residence cannot be verified or is determined to be inappropriate, reasons for disapproving the residence shall be noted on the CDCR Form 2234. The parole agent has the discretion to verify an alternate address based on any extenuating circumstances or information discovered.

For ACP participants with a private residence in which they have documented ownership, and when no other person(s) currently resides at the residence, sufficient detail must be provided by the ACP participant on the CDCR Form 2234 to allow verification by the parole agent.

The proposed residence must meet the following criteria:

- **Residence:** The residence must have an actual address and be structurally sound with working doors, windows, and utilities. DAPO and local law enforcement must have access to the primary entrance of the proposed residence. Apartments and multiplexes with a secured common entry door are permissible as long as the property manager or landlord is aware of the participant's status and the parole agent is provided a key, access card, or access code no later than the day after the participant reports to the parole unit. Make-shift rooms, out-buildings, sheds, and tents are not acceptable. The residence shall provide adequate living space for all of its current inhabitants and the addition of the participant must not cause the conditions to become inadequate or substandard.
- **Meals:** ACP participants are responsible for their own meals. The residence must have a kitchen or area designated for meal preparation and proper food storage.
- **Weapons:** The entire residence shall be free of any weapons, simulated weapons, ammunition, or destructive devices. Knives used for cooking must be kept in the kitchen or meal preparation area, and not in the participant's bedroom or sleeping quarters.
- **Property Restrictions:** Current Federal Housing Authority criteria dictates that only qualified and approved individuals may reside in subsidized housing. ACP participants may not reside in publicly subsidized housing without prior written permission from the property owner or manager indicating that the participant's presence in the residence meets the guidelines and is in compliance with federal law and regulations.

#### **83020.4 Residence Verification Procedures**

Upon assignment of the residence verification, the parole agent shall:

- Attempt to verify the proposed residence. Verification shall be done in person and documented on the CDCR Form 1658, Parolee Residence/Employment Verification. This shall be done in the same manner the pre-parole residence verification is normally conducted for parolees.
- After verifying the proposed residence, complete the CDCR Form 2234 and check the appropriate box for meeting or not meeting established criteria in this policy. If the residence does not meet criteria, note the reasons in the comments section.
- If the residence meets criteria, complete the CDCR Form 1649, Reporting Instructions.
- Submit the CDCR Form 1516-ACP, CDCR Form 1516-EID, CDCR Form 2234, CDCR Form 1658, and CDCR Form 1649 (if residence is approved) to the unit supervisor.

Upon receipt of the completed residence verification from the parole agent, the unit supervisor shall:

- Review the forms and documents relevant to the residence verification or attempt and either concur or not concur with the parole agent's findings. If the unit supervisor does not concur, the reason(s) shall be documented in the comments section on the CDCR Form 2234.
- Within one business day, forward the CDCR Form 2234 and CDCR Form 1649 (if applicable), if applicable, to unit support staff for transmission to the C&PR at the sending institution.

If the parole agent or unit supervisor later become aware that a previously approved residence is no longer viable, the parole agent or unit supervisor shall contact the FOPS ACP Program Manager.

#### **83020.5 Curfew Requirements for Alternative Custody Program Participants**

A curfew range shall be established for all ACP participants.

- The curfew range shall normally be any uninterrupted 10-hour span every day, and under no circumstances shall the curfew range be less than any uninterrupted 8-hour span.
- The hours shall normally be from 8:00 p.m. to 6:00 a.m.

The curfew range shall be stated on the CDCR Form 1516-ACP. The start and/or end time of the curfew range may be adjusted to accommodate the participant's verified hours of work, school, and/or training. All requests to temporarily modify the 8-hour curfew requirement shall require a case conference with the unit supervisor. Upon unit supervisor approval, document the approved curfew

modification on the CDCR Form 1502, Activity Report, and forward to the FOPS ACP Program Manager.

While it is the expectation that participants will be involved in programs, services, and/or employment, under no circumstances will the requirement for restriction to their residence for a specified period of time be completely waived. The parole agent may waive the requirement during a medical emergency, for the period of time required for the care of the participant.

#### **Curfew Violations**

The following will serve as a guideline when a participant has violated established curfew restrictions. If the duration of the curfew violation falls within the following parameters:

- Less than 20 minutes – the participant shall be verbally admonished;
- 21-120 minutes – the parole agent and unit supervisor shall conduct a case conference, and recommend suitability for continuing participation to the FOPS ACP Program Manager;
- Greater than 120 minutes or a second offense greater than 20 minutes – the participant may be removed from the private residence or facility by initiating Return to Institution (RTI) procedures.

#### **83020.6 Individualized Treatment and Rehabilitation Plan**

In addition to the requirements outlined on the CDCR Form 1516-ACP, participants shall agree to and fully comply with the prescribed objectives, goals, and tasks contained in their Individualized Treatment and Rehabilitation Plan (ITRP).

As the participant completes objectives, goals, and tasks, the parole agent and unit supervisor will evaluate the participant's progress during the case conference review and identify the next prescribed objective. Additional consideration shall be given to the participant's California Static Risk Assessment score, criminogenic needs, treatment availability, the participant's ability, and participant's input.

#### **83020.7 Day of Release Procedures**

ACP participants are instructed to report to the assigned parole unit within one business day of release. Upon arrival of the participant at the parole unit, the parole agent shall conduct an initial interview which shall include the following:

- Review the CDCR Form 2289, Notice and Request for Assistance During Parole Proceeding with the participant noting any Americans with Disabilities Act accommodations needed and input the information into the Disability and Effective Communication System (DECS).
- Review the CDCR Form 1516-ACP and special requirements for participation with the participant.
- Review the CDCR Form 1516-EID and curfew range with the participant.
- Install the electronic monitoring device and establish the electronic monitoring curfew inclusion range, as well as any other applicable special requirements consistent with established procedures.
- Collect a urinalysis sample (if applicable).
- Update the Strategic Offender Management System (SOMS) with the release date information and other case factors as necessary.
- Whenever possible, review the ITRP with participant. If this is not accomplished on the day of release, review the ITRP within 10 working days.

#### **83020.7.1 Alternative Custody Program Participant Failure to Report Procedures**

The ACP participant shall report to the parole unit on the first business day following release, as directed on the CDCR Form 1649. If the participant fails to report, on the second business day following release, the parole agent shall investigate to ensure the participant was in fact released. If so, the participant is now considered an escapee. The parole agent shall conduct a case conference with the unit supervisor and then notify the FOPS ACP Program Manager of the escape. The parole agent shall document the failure to report, and any known information related to the failure to report, on a CDCR Form 1502 and

fax the form to the FOPS ACP Program Manager prior to the close of business on the second day.

#### **83020.8 On-Going Supervision Requirements and Line of Responsibility**

In the participant's SOMS profile, the Supervision Level shall be "IM-In-Home Det. Monitor" and the Supervision Type shall be "Alternative Custody Program." The parole agent shall document the following minimum monthly specifications on the CDCR Form 1650-D, Record of Supervision:

- One unannounced home contact.
- One face-to-face contact to discuss and monitor compliance with the ITRP (this may be done in conjunction with the home contact).
- One significant collateral contact or one resource collateral contact.
- One unscheduled and random urinalysis, if applicable.
- Assist the participant in community-based referrals, in an attempt to address criminogenic needs to facilitate a fluid transition from the program to parole.
- Review the daily status report received from the electronic monitoring vendor to determine program compliance and/or alerts each working day.
- Investigate alerts for any violations of electronic monitoring special conditions of parole. All investigations shall be documented on the CDCR Form 1650-D.

#### **83020.8.1 Electronic Monitoring Procedures**

The installation of the electronic monitoring device shall be accomplished the day the participant arrives at the parole unit. Under no circumstances shall the participant be without electronic monitoring beyond the first business day after release. If there are extenuating circumstances that result in any deviation from the statutory electronic monitoring requirement, the parole agent and unit supervisor shall conduct a case conference to determine if RTI is warranted.

All electronic monitoring system alerts such as low battery, strap tampers, or other equipment alerts shall be investigated as directed in the DAPO Electronic In-Home Detention program policy. Alerts that are deemed to be program violations, and all curfew violations shall be documented on the CDCR Form 1650-D and the CDCR Form 1502. A copy shall be forwarded to the FOPS ACP Program Manager within the established timelines.

#### **83020.8.2 Case Conference Reviews**

The case conference review shall be conducted no earlier than 60 days and no later than 90 days from the date of initial release, and every six months thereafter. In conducting the case conference review, the parole agent and unit supervisor shall:

- Review the effectiveness of the current ITRP and determine if modifications are appropriate or necessary.
- Review the participant's behavior and compliance with their requirements of participation, curfew, ITRP, and whether any program milestones were achieved.
- Document results according to established procedures.
- Provide a copy of the documented results to the FOPS ACP Program Manager upon request.

#### **83020.8.3 Misconduct Return**

If the participant has been involved in any type of misconduct or failure to abide by the requirements on the CDCR Form 1516-ACP and/or CDCR Form 1516-EID, a CDCR Form 1502 shall be initiated describing the misconduct and identifying PC 5054.1 and 1170.05 as the authority for an RTI. Failure to abide by the provisions of the ITRP and/or the requirements are grounds for immediate removal from the program. Reporting program participant misconduct shall be documented on a CDCR Form 1502 and shall be forwarded to the FOPS ACP Program Manager within established time frames, under the following conditions:

- When DAPO is notified or becomes aware that a participant has been involved in any form of misconduct, identified as a suspect or arrested by local law enforcement, a case conference shall be conducted by the parole agent and unit supervisor.
- If the case conference determines that the behavior warrants RTI, DAPO staff shall notify the FOPS ACP Program Manager immediately and coordinate the return of the participant to a designated institution via county jail or direct admit. Relevant information, similar to information needed for parole violation reports, shall be documented on the CDCR Form 1502.

The CDCR Form 1502, and any/all reports; e.g., police reports, urinalysis test results, witness testimony, etc., relevant to the behavior shall be forwarded to the FOPS ACP Program Manager.

**83020.8.4 Voluntary Returns**

In the event a participant elects to voluntarily return to an institution, the parole agent will interview the participant in an attempt to resolve the issues concerning the participant's request to RTI. When appropriate, the parole agent shall case conference with the unit supervisor, FOPS ACP Program Manager, and participant to review the circumstances and attempt to resolve the participant's reason(s) for requesting the voluntary return. The following shall then occur:

- The participant shall be RTI via gate turn-in, or detained and transported to the nearest county jail.
- The FOPS ACP Program Manager shall be notified of all voluntary returns.
- Voluntary returns shall be documented on a CDCR Form 1502, and a copy forwarded to the FOPS ACP Program Manager.

After being returned to an institution, the inmate may submit a new request for program participation on a new CDCR Form 2234.

**83020.8.5 Transition from Alternative Custody Program to Parole or County Supervision**

The Sacramento Central Office–Western Interstate Corrections Compact (SACCO-WICC) Records Office shall screen all participants for Post Release Community Supervision (PRCS) eligibility. Participants deemed eligible for PRCS will be processed consistent with current practice for inmates incarcerated in DAI facilities. The FOPS ACP Program Manager shall complete the parole documents and ensure they are submitted to the SACCO-WICC Records Office.

For participants transitioning to parole, any remaining release funds shall be forwarded to the assigned parole unit. On the parole date, DAPO shall continue supervision of the participant, and EID equipment shall remain with the participant, or may be removed according to current DAPO policy for EID.

For participants transitioning to PRCS, EID equipment shall be removed on the final day of the prison term. However, if the final day of the prison term does not fall on a business day, the parole agent shall make arrangements with the probation officer and the participant to have the EID equipment removed and returned to DAPO no later than the third day of the PRCS term.

**83020.9 Escape Following Arrival to Private Residence**

When DAPO is notified or has determined an ACP participant has escaped, the parole agent shall conduct a case conference with the unit supervisor and complete the CDCR Form 1502, documenting all known information regarding the circumstances of the escape. The unit supervisor shall contact the FOPS ACP Program Manager (916-322-8055) and ensure the CDCR Form 1502 is completed and forwarded to the FOPS ACP Program Manager. The following shall occur:

- If the escape occurs during normal business hours, the FOPS ACP Program Manager will initiate escape procedures consistent with current DAI policy and procedures. The unit supervisor shall also notify the Regional Parole Administrator via the chain of command.
- If the escape occurs or is discovered after normal business hours, the parole agent shall contact the DAI Administrative Officer of the Day (AOD) to request initiation of escape procedures. The DAPO AOD shall also be notified.
- When the participant is apprehended, the Warrant Unit shall notify the arresting agency and cancel the warrant.
- The parole agent shall notify the FOPS ACP Program Manager of the arrest and document all relevant information on CDCR Form 1502.

**83020.10 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

**83020.11 References**

PC §§ 1170.05, 1203.2, 3000.08, 5054.1, and 3056.

CCR (15) (3), §§ 3078 through 3078.6.

**ARTICLE 18 — CUSTODY TO COMMUNITY TRANSITIONAL REENTRY PROGRAM**

*Revised October 11, 2018*

**83030.1 Policy**

CCTRP is a program for female inmates, who are placed in a residential facility under contract with the California Department of Corrections and Rehabilitation (CDCR). The female inmate must apply for the program and meet eligibility criteria established by the Division of Adult Institutions (DAI). Once approved and released to the program, the inmate shall be considered a participant in the program. Participants shall receive any sentence reduction credits they would have received had they served their sentence in a State prison. Participants may be returned to an institution to serve the remainder of their prison term at any time, with or without cause.

PC 5054.1 shall be used when arresting or placing a hold on a participant, or in the event of an escape. PC 3056, 3000.08, and 1203.2 shall not be used when arresting or placing a hold on a participant. Arrests of participants by Division of Adult Parole Operations (DAPO) staff shall be conducted in accordance with DAPO policy.

PC 1170.05 requires CDCR to utilize continuous electronic monitoring to ensure participants abide by the requirement that they are restricted to their residence during designated hours. Electronic monitoring shall be used for all participants. The application of an electronic monitoring device for participants is not considered a penalty or sanction, but rather a statutorily mandated supervision tool. A curfew shall be established for all participants. Participants must agree to all terms and conditions, to include mandatory electronic monitoring.

DAPO staff assigned to CCTRP facilities shall normally be a Parole Agent II (Specialist). The CCTRP will be staffed with a DAI Correctional Counselor (CC) III and contract vendor staff. The CC III is the on-site Program Manager. The Parole Agent II (Specialist) will be the Case Manager and maintain security by providing daily supervision of participants. Successful operation of the CCTRP requires DAI and DAPO staff to work collaboratively.

The Parole Agent II (Specialist) assigned to the CCTRP shall fall under Chapter 8, Article 46 for the purposes of carrying a firearm at the CCTRP site. For the purposes of these staff, the CCTRP site shall be considered the field. Firearms, batons, and Oleoresin Capsicum (OC) shall not be stored at the facility overnight. Each CCTRP shall have additional OC and handcuffs stored in the CC III's office.

**83030.2 Pre-Release Procedures for Custody To Community Transitional Reentry Program**

After tentatively approving an inmate for CCTRP participation, the DAI Female Offenders Programs and Services (FOPS) ACP/CCTRP Program Manager shall fax or email a copy of the CDCR Form 2234, CCTRP Application and Voluntary Agreement, and CDCR Form 611A, Alternative Custody Program Information Sheet to the appropriate Regional Reentry Unit. The Regional Re-Entry Unit shall assign the case to a parole unit. FOPS will forward the CDCR Forms 611A and 2234 to the assigned parole unit directly.

**83030.2.1 Parole Unit Support Staff**

Upon receipt of the CCTRP packet, parole unit support staff shall:

- Immediately forward the CCTRP packet to the unit supervisor or designee for Parole Agent II (Specialist) assignment.
- Ensure the Strategic Offender Management System (SOMS) contains updated identifying and demographic information for the inmate.
- Access the Electronic Records Management System to create a field file.
- Print the Individualized Treatment and Rehabilitation Plan (ITRP) for the field file.
- Print any registration forms (e.g., H&S 11590).
- Return the completed CDCR Form 2234 and CDCR Form 611-A as instructed on the forms.

**83030.2.2 Parole Agent II (Specialist)**

Upon assignment, the CCTRP Parole Agent II (Specialist) shall:

- Complete the CDCR Form 1516-CCTRP (Rev. 01/16), Requirements of the Custody to Community Transitional Reentry Program, and CDCR Form 1516-EID (Rev. 01/16), Electronic In-Home Detention Special Requirement for Alternative Custody Program Participation.
- Complete Section I, of the CDCR Form 2289, Notice and Request for Assistance during Parole Proceedings.
- Complete the Parole Outpatient Clinic (POC) referral package (if applicable due to mental health needs).

- Create an electronic monitoring profile utilizing the current software approved by DAPO.

### 83030.2.3 Unit Supervisor

Upon receipt of the CCTRP packet, the unit supervisor shall:

- Notify the Electronic Monitoring Unit (EMU), Support Unit via electronic mail to [emusupport@cder.ca.gov](mailto:emusupport@cder.ca.gov) to report the participant's scheduled release date and designated CCTRP location. The EMU, Support Unit shall ensure that electronic monitoring equipment is available prior to the participant's release.
- Create a reservation in the electronic monitoring vendor's software.

### 83030.3 Curfew Requirements for the Custody to Community Transitional Reentry Program

Participants in a CCTRP shall have a curfew special requirement, documented on the CDCR Form 1516-CCTRP:

- The curfew range shall normally be any uninterrupted ten-hour span every day, and under no circumstances shall the curfew range be less than any uninterrupted eight-hour span.
- The hours shall normally be from 8:00 p.m. to 6:00 a.m.

The start and/or end time of the curfew range may be adjusted to accommodate the participant's verified hours of work, school, and/or training. All requests to temporarily modify the eight-hour curfew requirement shall require a case-conference with the unit supervisor, Parole Agent II (Specialist), and CC III and will be documented on the CDCR Form 1650-D and a CDCR Form 1502, Activity Report. While it is the expectation that participants will be involved in programs, services, and/or employment, under no circumstances will the requirement for restriction to their residence for a specified period of time be completely waived. In the event of a medical emergency, if the CC III is not available, the Parole Agent II (Specialist) may authorize a leave.

### 83030.4 Curfew Violation Guidelines for the Custody to Community Transitional Reentry Program

The following will serve as a guideline when a participant has violated established curfew restrictions. If the duration of the curfew violation falls within the following parameters:

- Less than 20 minutes – the participant shall be verbally admonished;
- 21-120 minutes – the Parole Agent II (Specialist) and unit supervisor shall case conference the issue, and recommend suitability for continuing participation to the CC III;
- Greater than 120 minutes or a second offense greater than 20 minutes – the participant may be removed from the facility by initiating Return to Institution (RTI) procedures. The unit supervisor shall case conference with the DAI CC III to determine the participant's suitability to remain in the community. The DAI CC III and Program Manager shall make the final decision to initiate RTI procedures.

### 83030.5 Electronic Monitoring Procedures

The installation of the electronic monitoring device shall be accomplished the day the participant arrives at the facility. Under no circumstances shall the participant be without electronic monitoring beyond the first business day after release to the CCTRP. If there are extenuating circumstances that result in any deviation from the statutory electronic monitoring requirement, the Parole Agent II (Specialist) and unit supervisor shall case conference to determine if RTI is warranted. The unit supervisor shall case conference with the DAI CC III to determine the participant's suitability to remain in the community. The DAI CC III and Program Manager shall make the final decision to initiate RTI procedures.

All electronic monitoring system alerts such as low battery, strap tamper, or other equipment alerts shall be investigated and documented in accordance with the DAPO Confidential Memorandum on Electronic Monitoring Alerts. Alerts that are deemed to be Program Violations, and all curfew violations shall be documented on the CDCR Form 1650-D and the CDCR Form 1502. A copy shall be forwarded to the CC III within the established timelines.

The Parole Agent II (Specialist) shall create an inclusion zone in the electronic monitoring software that covers the facility. The zone shall be active for periods during which the participant is required to be on program grounds. The alert level of the zone shall require the electronic monitoring vendor to contact the Parole Agent II (Specialist) immediately by phone if the zone is violated. If the participant is granted leave, the zone schedule may be adjusted so that an alert is not generated when the participant is authorized to be away from the facility.

The Parole Agent II (Specialist) shall create inclusion zones over any area where the participant has a required recurring activity. The Parole Agent II (Specialist) shall perform all necessary enrollment/unenrollment, activation/deactivation tasks, installing/uninstalling (unless described in Section 83030.7.2) of the electronic monitoring device, or retrieving the electronic monitoring device.

### 83030.6 Day of Release Procedures

Participants are transported directly to the CCTRP facility from the institution by the Statewide Transportation Unit. Upon arrival of the participant at the facility, the Parole Agent II (Specialist) shall conduct an initial interview which shall include the following:

- Review the CDCR Form 2289 with the participant noting any Americans with Disabilities Act accommodations needed and input the information into the Disability and Effective Communication System (DECS).
- Review the CDCR Form 1516-CCTRP and special requirements for participation with the participant.
- Review the CDCR Form 1516-EID and curfew requirements with the participant.
- Install the electronic monitoring device and establish the electronic monitoring curfew inclusion range, as well as any other applicable special requirements consistent with established procedures.
- Collect a urinalysis sample (if applicable).
- Update SOMS with the transport date and other case factors as necessary.
- Follow up with POC for an appointment if needed.
- Whenever possible, review the ITRP with the participant. If this is not accomplished on the day of release, review the ITRP within 10 working days.

### 83030.7 On-Going Supervision Requirements and Lines of Responsibility

The Parole Agent II (Specialist) shall document the following monthly specifications on the CDCR Form 1650-D:

- One face-to-face contact to discuss and monitor compliance with the ITRP.
- One significant collateral contact with the assigned counselor or contracted staff.
- Conduct one unscheduled and random urinalysis (if applicable).
- Assist the participant in community-based referrals, in an attempt to address criminogenic needs to facilitate a fluid transition from the program to parole.
- Verify employment status and conduct a collateral contact with the employer at least once per quarter (if applicable).
- Review the daily status report received from the electronic monitoring vendor to determine program compliance and/or alerts each working day.
- Investigate alerts for any violations of electronic monitoring special conditions of parole. All investigations shall be documented on the CDCR Form 1650-D.

### 83030.7.1 Parole Agent II (Specialist) Additional Duties

The Parole Agent II (Specialist) shall be responsible for the following additional duties:

- Within one working day of the day of release, transport the participant to the nearest parole unit to update the participant's photographs using the nearest parole unit photocapture workstation in the same manner as a parolee.
- Update the participant's photographs as needed if the participant's appearance changes using the nearest parole unit photocapture workstation in the same manner as a parolee.
- Complete the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Re-Entry Assessment 30 days prior to the participant's Earliest Possible Release Date, if the participant will be under DAPO supervision upon completion of the prison term.
- Update and re-issue the COMPAS case plan, as necessary, to ensure it continues to be a current reflection of the program participant's needs and assessments.

- Within 30 days from arrival to the facility complete CDCR Form 1661, Goals and Progress Report, and issue it to the participant with instructions on how to properly complete the form.
- Contact the parole agent at the parole unit assigned to conduct the participant's pre-parole investigation to discuss parole plans prior to the participant's release from the program to the community.
- If the participant will be released to DAPO and agrees to a Direct Placement, and the program location will be in a county other than the County of Last Legal Residence, initiate a Transfer Investigation Request in the Strategic Offender Management System (SOMS).
- If the participant will not be released to DAPO supervision upon completion of the prison term, and is eligible for Post Release Community Supervision (PRCS), the Parole Agent II (Specialist) shall act as a liaison with the county probation department to ensure an effective and smooth transition from the program to county supervision.
- Provide transportation for program participants on an as-needed basis.
- Document all interactions with the program participant on the CDCR Form 1650-D.
- Make a reasonable attempt to identify and locate victim(s) of commitment offense(s). This information shall be used when applicable to notify victims in the event of an escape.
- Provide additional security support to DAI staff, as necessary.
- Act as an Escape Liaison with DAI staff, as necessary.
- On the participant's last day in the program, unenroll the participant from the electronic monitoring database and remove the electronic monitoring equipment.

The Parole Agent II (Specialist) shall develop strong relationships with DAPO field staff and DAPO Community Transition Program (CTP) staff, as well as develop relationships with DAPO and DAI stakeholders within the community and within the institution. The Parole Agent II (Specialist) shall maintain contact with community-based providers in an attempt to secure additional programming resources. The Parole Agent II (Specialist) shall also network with the local Adult Programs Unit parole agents and DAPO to further develop additional resources.

#### **83030.7.2 After Hours Electronic Monitoring Unenrollment Procedures**

Contracted program staff may remove electronic monitoring equipment if the participant's parole date is not a normal business day. When this occurs, the Parole Agent II (Specialist) shall:

- Notify the vendor monitoring center and the contracted program staff of the weekend releases that are approved for removal of electronic monitoring equipment via electronic mail no later than 1500 hours on the Friday before the weekend or 1500 hours on the business day before the holiday.
- Provide the vendor monitoring center with the participant's name, CDC number, ORI number, and the date and time in which they should be un-enrolled.
- Document approval of program staff's removal of the electronic monitoring equipment on the CDCR Form 1650-D.

Contracted program staff will cut the strap and print and sign their name on the program's log. Contracted program staff will place the electronic monitoring equipment in the facility's designated location for the Parole Agent II (Specialist) to pick up the next business day.

#### **83030.8 Unit Supervisor**

The unit supervisor for the parole unit responsible for the geographic area where the CCTRP facility is located shall:

- Provide direct supervision to all parole agent classifications under their supervision.
- Ensure the CCTRP facility operates within policy and procedure.
- Liaison with DAI and DRP.
- Assist in facilitating contract compliance with vendor and service providers.

- Establish a reservation for the participant within the electronic monitoring system prior to the participant's arrival to the program.
- Ensure the parole unit and facility has sufficient supplies of all electronic monitoring equipment and that replacement equipment is ordered as needed, to ensure device availability.
- Contact and inform the responsible District Administrator, or if unavailable the DAPO Administrative Officer of the Day, as necessary, of any reportable incidents occurring at the program.
- Other duties as assigned.

#### **83030.9 Individualized Treatment and Rehabilitation Plan**

In addition to the requirements outlined on the CDCR Form 1516-CCTRP, participants shall agree to and fully comply with the prescribed objectives, goals, and tasks contained in their ITRP.

As the participant completes objectives, goals, and tasks, the Parole Agent II (Specialist) and unit supervisor will evaluate the participant's progress during the case conference review and identify the next prescribed objective. Additional consideration shall be given to the participant's California Static Risk Assessment score, criminogenic needs, treatment availability, the participant's ability, and participant's input.

#### **83030.10 Case Conference Review**

The case conference review shall be conducted no earlier than 60 days and no later than 90 days from the date of initial release to the facility, and every 6 months thereafter. In conducting the case conference review, the Parole Agent II (Specialist) and unit supervisor shall:

- Review the effectiveness of the current ITRP and determine if modifications are appropriate or necessary.
- Review the participant's behavior and compliance with their requirements of participation, curfew, ITRP, and whether any program milestones were achieved.
- Document results according to established procedures.
- Provide a copy of the documented results to the DAI CC III or the FOPS ACP/CCTRP Program Manager upon request.

#### **83030.11 Misconduct Returns**

If the participant has been involved in any type of misconduct or failure to abide by the requirements on the CDCR Form 1516, a CDCR Form 1502 shall be initiated annotating the misconduct and identifying PC Sections 5054.1 and 1170.05 as the authority for a participant RTI. Failure to abide by the provisions of the ITRP and/or the requirements represented on the CDCR Form 1516 are grounds for immediate removal from the program. The DAI Chief Deputy Warden, or designee, shall have final authority to authorize the RTI.

Reporting program participant misconduct shall be documented on a CDCR Form 1502 and a copy shall be forwarded to the DAI CC III within established time frames, under the following conditions:

- When DAPO is notified or becomes aware that a participant has been involved in any form of misconduct, identified as a suspect or arrested by local law enforcement, a case-conference shall be conducted by the Parole Agent II (Specialist) and DAI CC III (or designee if the CC III is unavailable) and unit supervisor to determine if RTI is warranted.
- If the case conference determines that the behavior warrants RTI, DAPO staff shall notify the Program Manager immediately and coordinate the return of the participant to the nearest designated institution via direct admit. If the direct admit is not possible, return the participant to the nearest designated institution via county jail. Relevant information, similar to information needed for parole violation reports, shall be documented on the CDCR Form 1502.

The CDCR Form 1502, and any/all reports; e.g., police reports, urinalysis test results, witness testimony, etc., relevant to the behavior shall be forwarded to the FOPS ACP/CCTRP Program Manager.

#### **83030.12 Voluntary Returns**

In the event a participant elects to voluntarily return to an institution, the Parole Agent II (Specialist) will interview the participant in an attempt to resolve the issues concerning the participant's request to RTI. Where appropriate, the parole agent shall case conference with the unit supervisor, CC III, and participant to review the circumstances and attempt to resolve the participant's reason(s) for requesting the voluntary return. The following shall then occur:

- The participant shall be RTI via direct admit, or detained and transported to the nearest designated institution via county jail.



- The FOPS ACP/CCTRP Program Manager shall be notified of all voluntary returns.
- Voluntary returns shall be documented on a CDCR Form 1502, and a copy forwarded to the FOPS ACP/CCTRP Program Manager.

After being returned to an institution, the inmate may submit a new request for program participation on a new CDCR Form 2234.

#### **83030.13 Escape Following Arrival to the Program**

When DAPO is notified or has determined a participant has escaped, the Parole Agent II (Specialist) shall follow the procedures addressed in the DAPO Confidential Memorandum on Escape Procedures.

#### **83030.14 Electronic Release Program Study Procedures**

The Sacramento Central Office–Western Interstate Corrections Compact (SACCO-WICC) Records Office shall screen all participants for PRCS eligibility. Participants deemed eligible for PRCS will be processed consistent with current practice for inmates incarcerated in DAI facilities. The CC III shall complete the CDCR Form 611, Release Program Study, and ensure it is submitted to the SACCO-WICC Records Office.

SACCO-WICC shall monitor the release dates for all offenders who are participants and notify the assigned Parole Agent II (Specialist) when an offender is within 210 days of their Earliest Possible Release Date. SACCO shall also ensure that applicable notifications are made pursuant to PC 3058.8 and 3058.61, and generate the Warden's Checkout Order. In addition, SACCO shall process the hard-copy Release Program Study (RPS) for PRCS cases, once it is received from the MCRP Parole Agent II (Specialist). Upon receipt of the finalized RPS, SACCO shall scan the RPS for electronic filing in the Electronic Records Management System.

Upon notification that an offender is within 210 days of their scheduled release date, the Parole Agent II (Specialist) shall initiate the RPS in SOMS and complete sections I – IV. Once complete, the Parole Agent II (Specialist) shall electronically forward the RPS to the appropriate recipient. For offenders being released to the Division of Adult Parole Operations, the RPS shall be electronically routed to the responsible Regional Reentry Unit. For offenders being released to Post Release Community Supervision, the RPS shall be printed and forwarded by mail to SACCO. Upon receipt of the RPS from the state or county agency with jurisdiction, the Parole Agent II (Specialist) shall complete section VII of the RPS and provide copies to the offender and SACCO.

The Parole Agent II (Specialist) shall initiate the electronic RPS in SOMS for all offenders who are endorsed for CCTRP placement if no RPS was previously initiated. In the event an offender is endorsed for CCTRP placement with a RPS already in process, the RPS and associated Release Plan may be cancelled in SOMS to expedite the CCTRP placement. In no instance shall completion of the RPS be allowed to impede transfer to a CCTRP facility.

#### **83030.15 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

#### **83030.16 References**

PC §§ 1170.05, 1203.2, 3000.08, 3056, 5054.1  
CCR (15) (3) §§ 3078 – 3078.6

### **ARTICLE 19 — MALE COMMUNITY REENTRY PROGRAM**

*Revised October 11, 2018*

#### **83040.1 Policy**

The Male Community Reentry Program (MCRP) is a collaborative effort between the Division of Rehabilitative Programs (DRP), Division of Adult Institutions (DAI), and the Division of Adult Parole Operations (DAPO) to successfully reintegrate offenders back into the community. Male inmates who meet eligibility criteria determined by DAI may serve a portion of their prison sentence in an MCRP facility in lieu of a state prison. The MCRP is a residential facility located in the community. The program focuses on providing community-based programming relative to the participant's criminogenic needs as identified through their Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment and case plans. The

programming is accomplished through certified instruction by contract staff at the facility, as well as community-based program referrals to established DAPO and county programs.

While serving their sentence in the program, inmates are considered participants. Participants shall receive any sentence reduction credits they would have received had they served their sentence in a state prison. Participants may be returned to an institution to serve the remainder of their prison term at any time, with or without cause. Participants must volunteer for the program and agree to abide by specific requirements. All participants must agree to all of the terms and conditions as set forth by the program, to include mandatory electronic monitoring.

Penal Code (PC) 5054.1 shall be used when arresting or placing a hold on a participant, or in the event of an escape. PC 3056, 3000.08, and 1203.2 shall not be used when arresting or placing a hold on a participant. Arrests of participants by DAPO staff shall be conducted in accordance with DAPO policy.

PC 1170.05 requires the California Department of Corrections and Rehabilitation (CDCR) to utilize continuous electronic monitoring to ensure participants abide by the requirement that they are restricted to their residence during designated hours. Electronic monitoring shall be used for all MCRP participants. The application of an electronic monitoring device for participants is not considered a penalty or sanction, but rather a statutorily mandated supervision tool.

#### **83040.1.1 Staffing and Equipment in the Male Community Reentry Program Facility**

Each MCRP will generally be staffed with a Correctional Counselor (CC) III, Parole Agent II (Specialist), and DAI Correctional Officer(s) (CO). The on-site CC III has the overall responsibility for the operation of the program. The DAI COs will work under the direction of the CC III and assist with security functions and daily operations of the facility. The Parole Agent II (Specialist) will be assigned as the Case Manager for participants and assist with other duties as outlined in this policy.

The Parole Agent II (Specialist) assigned to the MCRP shall fall under Chapter 8, Article 46 for the purposes of carrying a firearm at the MCRP site. For the purposes of these staff, the MCRP site shall be considered the field. Firearms, batons, and Oleoresin Capsicum shall not be stored at the facility overnight.

#### **83040.1.2 Individualized Reintegration Plan**

The Individualized Reintegration Plan (IRP) will be developed by the participant, contracted program staff, and the Parole Agent II (Specialist). The IRP is a multidisciplinary plan that sets realistic short and long term goals for addressing the participant's risks and needs. The contractor will update the IRP during monthly multidisciplinary team sessions. These sessions will include, at a minimum, the CC III, Parole Agent II (Specialist), and contract program staff.

#### **83040.2 Pre-Release Procedures for the Male Community Reentry Program**

After tentatively approving an inmate for MCRP participation, the DRP MCRP Program Manager shall fax or email a copy of the CDCR Form 2234-MCRP, Male Community Re-Entry Program Application and Voluntary Agreement and CDCR Form 611-A, Alternative Custody Program Information Sheet to the appropriate unit supervisor. The CDCR Form 2234-MCRP will have the DRP MCRP Program Manager contact information if additional information and/or documentation is required. For participants entering into the MCRP, the parole unit assignment will be established by determining the geographic location as represented on the CDCR Form 2234-MCRP.

#### **83040.2.1 Parole Unit Support Staff**

An MCRP packet, consisting of CDCR Form 2234-MCRP and CDCR Form 611-A, shall be forwarded to the appropriate unit supervisor for processing by the parole unit support staff. Upon receipt of the MCRP packet, parole unit support staff shall:

- Immediately forward the MCRP packet to the unit supervisor or designee for assignment to a Parole Agent II (Specialist).
- Ensure a Strategic Offender Management System (SOMS) profile exists.
- Access the Electronic Records Management System to create a field file.
- Print the COMPAS assessment and Case Plan for the field file (if available).
- Print any registration forms (e.g., H&S 11590).
- Return the completed CDCR Form 2234-MCRP and CDCR Form 611-A to the DRP MCRP Program Manager.

#### **83040.2.2 Parole Agent II (Specialist)**

Upon assignment and prior to the participant's arrival to the program facility, the Parole Agent II (Specialist) shall:

- Complete the CDCR Form 1516 MCRP, Requirements of the Male Community Re-Entry Program, and CDCR Form 1516-EID, Alternative Custody Program Electronic In-Home Detention (EID) Special Requirement.
- Complete Section I of the CDCR Form 2289, Notice and Request for Assistance During Parole Proceedings.
- Create an electronic monitoring profile utilizing the current software approved by DAPO.

#### 83040.2.3 Unit Supervisor

Upon receipt of the MCRP packet, the unit supervisor shall:

- Notify the Electronic Monitoring Unit (EMU), Support Unit via electronic mail to [emusupport@cdcr.ca.gov](mailto:emusupport@cdcr.ca.gov), to report the participant's scheduled release date and designated MCRP location. The EMU, Support Unit shall ensure that electronic monitoring equipment is available prior to the participant's release.
- Create a reservation in the electronic monitoring vendor's software.

#### 83040.3 Curfew Requirements

Participants in an MCRP shall have a curfew special requirement, documented on the CDCR Form 1516-MCRP:

- The curfew range shall normally be any uninterrupted 10-hour span every day, and under no circumstances shall the curfew range be less than any uninterrupted 8-hour span.
- The hours shall normally be from 8:00 p.m. to 6:00 a.m.

The start and/or end time of the curfew range may be adjusted to accommodate the participant's verified hours of work, school, and/or training. All requests to temporarily modify the 8-hour curfew requirement shall require a case conference with the unit supervisor, Parole Agent II (Specialist), and CC III and will be documented on CDCR Form 1650-D and a CDCR Form 1502, Activity Report. While it is the expectation that participants will be involved in programs, services, and/or employment under no circumstances will the requirement for restriction to their residence for a specified period of time be completely waived. In the event of a medical emergency, if the CC III is not available, the Parole Agent II (Specialist) may authorize a leave.

##### 83040.3.1 Curfew Violation Sanction Guidelines

The following will serve as a guideline when a participant has violated established curfew restrictions. If the duration of the curfew violation falls within the following parameters:

- Less than 20 minutes – the participant shall be verbally admonished;
- 21-120 minutes – the Parole Agent II (Specialist) and unit supervisor shall case conference the issue, and recommend suitability for continuing participation to the CC III;
- Greater than 120 minutes or a second offense greater than 20 minutes – the participant may be removed from the private residence or facility by initiating Return to Institution (RTI) procedures. The unit supervisor shall case conference with the CC III to determine the participant's suitability to remain in the community.

#### 83040.4 Electronic Monitoring Procedures

The installation of the electronic monitoring device shall be accomplished the day the participant arrives at the facility. **Under no circumstances shall the participant be without electronic monitoring beyond the first business day after release to the MCRP.** If there are extenuating circumstances that result in any deviation from the statutory electronic monitoring requirement, the Parole Agent II (Specialist) and unit supervisor shall case conference to determine if Return to Institution (RTI) is warranted.

All electronic monitoring system alerts such as low battery, strap tampers, or other equipment alerts shall be investigated and documented in accordance with the DAPO Confidential Memorandum on Electronic Monitoring Alerts. Alerts that are deemed to be violations, and all curfew violations shall be documented on the CDCR Form 1650-D, Record of Supervision, and the CDCR Form 1502. A

copy shall be forwarded to the DRP MCRP Program Manager within the established timelines.

For any program in which the participant is at a CDCR-contracted facility, on the same day of installation of the electronic monitor, the Parole Agent II (Specialist) shall create an inclusion zone in the electronic monitoring software that covers the facility. The zone shall be active for periods defined by the program requirements. The alert level of the zone shall require the electronic monitoring vendor to contact the Parole Agent II (Specialist) immediately by phone if the zone is violated. If the participant is granted leave, the zone schedule may be adjusted so that an alert is not generated when the participant is authorized to be away from the facility.

The Parole Agent II (Specialist) shall create inclusion zones over any area where the participant has a required recurring activity. The Parole Agent II (Specialist) shall perform all necessary enrollment/unenrollment, activation/deactivation tasks, installing/uninstalling (unless described in Section 83040.6.2) of the electronic monitoring device, or retrieving the electronic monitoring device.

#### 83040.5 Day of Release Procedures

Participants are transported directly to the MCRP facility from the institution by the Statewide Transportation Unit. Upon arrival of the participant at the facility the Parole Agent II (Specialist) shall conduct an initial interview which shall include the following:

- Review the CDCR Form 2289 with the participant noting any Americans with Disabilities Act accommodations needed and input the information into the Disability and Effective Communication System (DECS).
- Review the CDCR Form 1516 and special requirements for participation with the participant.
- Review the CDCR Form 1516-EID and curfew requirements with the participant.
- Install the electronic monitoring device and establish the electronic monitoring curfew inclusion range, as well as any other applicable special requirements consistent with established procedures.
- Collect a urinalysis sample (if applicable).
- Update SOMS with the transport date and other case factors as necessary.
- Follow-up with Parole Outpatient Clinic for an appointment if needed.
- Review the COMPAS Case Plan (if available) with participant. If this is not accomplished on the day of release, review the COMPAS Case Plan within 10 working days.

#### 83040.6 On-Going Supervision Requirements and Lines of Responsibility

The Parole Agent II (Specialist) shall document the following monthly specifications on the CDCR Form 1650-D:

- One face-to-face contact to discuss and monitor compliance with the COMPAS Case Plan.
- One significant collateral contact with the assigned counselor or contracted staff.
- Conduct one unscheduled and random urinalysis (if applicable).
- During each face-to-face contact with a participant, physically inspect the electronic monitoring device for evidence of tampering and document the inspection on the CDCR Form 1650-D.
- Assist the participant in community-based referrals, in an attempt to address criminogenic needs to facilitate a fluid transition from the program to parole.
- Verify employment status and conduct a collateral contact with the employer at least once per quarter (if applicable).
- Review the daily status report received from the electronic monitoring vendor to determine program compliance and/or alerts each working day.
- Investigate alerts for any violations of electronic monitoring special conditions of parole. All investigations shall be documented on the CDCR Form 1650-D.
- In the event of removal of the electronic monitoring device, if the location of the device is known, retrieve the electronic monitoring device and return it to the unit supervisor. Record unsuccessful attempts to recover the device on the CDCR Form 1650-D.

##### 83040.6.1 Additional Duties

The Parole Agent II (Specialist) in an MCRP facility shall be responsible for the following additional duties:

- Upon notification that an offender has been endorsed for MCRP placement, the Parole Agent II (Specialist) shall enter the "Intake New Case"

Supervision Event in SOMS and assign the appropriate parole unit and themselves as the Agent of Record.

- Within one working day of the day of release, transport the participant to the nearest parole unit to update the participant's photographs using the parole unit photocapture workstation in the same manner as a parolee.
- Update the participant's photographs as needed if the participant's appearance changes using the nearest parole unit photocapture workstation in the same manner as a parolee.
- Update the COMPAS Re-Entry Assessment 30 days prior to the participant's Earliest Possible Release Date, if the participant will be under DAPO supervision at the completion of the prison term.
- Update and re-issue the COMPAS Case Plan, as necessary, to ensure it continues to be a current reflection of the program participant's needs and assessments.
- Within 30 days from arrival to the facility complete CDCR Form 1661, Goals and Progress Report and issue it to the participant with instructions on how to properly complete the form.
- Refer the participant to local mental health services, if needed, due to mental health concerns.
- Contact the parole agent at the parole unit assigned to conduct the participant's pre-parole investigation to discuss parole plans prior to the participant's release from the program to the community.
- If the participant will be released to DAPO and agrees to a Direct Placement, and the program location will be in a county other than the County of Last Legal Residence, initiate a Transfer Investigation Request in the Strategic Offender Management System (SOMS).
- If the participant will not be released to DAPO, and the participant is eligible for Post Release Community Supervision (PRCS), the PA II (Specialist) shall act as a liaison with the county probation department to ensure an effective and smooth transition from the program to county supervision.
- Provide transportation for program participants on an as-needed basis.
- Document all interactions with the program participant on the CDCR Form 1650-D.
- Make a reasonable attempt to identify and locate victim(s) of commitment offense(s). This information shall be used when applicable to notify victims in the event of an escape.
- Provide additional security support to DAI staff, as necessary.
- Act as an Escape Liaison with DAI staff, as necessary.
- On the participant's last day in the program, unenroll the participant from the electronic monitoring database and remove the electronic monitoring equipment.

The Parole Agent II (Specialist) shall develop strong relationships with DAPO field staff, program staff, and DAPO Community Transition Program (CTP) staff; as well as develop community-based relationships with DAPO and DAI stakeholders within the community and within the institution. The Parole Agent II (Specialist) shall maintain contact with community-based providers in an attempt to secure additional programming resources. The Parole Agent II (Specialist) shall also network with the local Adult Programs Unit parole agents to further develop additional resources.

#### **83040.6.2 After Hours Electronic Monitoring Unenrollment Procedures**

Contracted program staff may remove electronic monitoring equipment if the participant's parole date is not a normal business day. When this occurs, the Parole Agent II (Specialist) shall:

- Notify the vendor monitoring center and the contracted program staff of the weekend releases that are approved for removal of electronic monitoring equipment via electronic mail no later than 1500 hours on the Friday before the weekend or 1500 hours on the business day before the holiday.
- Provide the vendor monitoring center with the participant's name, CDC number, ORI number, and the date and time in which they should be un-enrolled.

- Document approval of program staff's removal of the electronic monitoring equipment on the CDCR Form 1650-D.

Contracted program staff will cut the strap and print and sign their name on the program's log. Contracted program staff will place the electronic monitoring equipment in the facility's designated location for the Parole Agent II (Specialist) to pick up the next business day.

#### **83040.6.2 Unit Supervisor**

The unit supervisor shall perform the following functions:

- Provide direct supervision to all parole agent classifications under their supervision.
- Ensure the facility operates within policy and procedure.
- Liaison with DAI and DRP.
- Assist in facilitating contract compliance with vendor and service providers.
- Establish a reservation for the participant within the electronic monitoring system prior to the participant's arrival to the program.
- Ensure the parole unit and facility has sufficient supplies of all electronic monitoring equipment and that replacement equipment is ordered as needed, to ensure device availability.
- Contact and inform the responsible District Administrator, or if unavailable the DAPO Administrative Officer of the Day, as necessary, of any reportable incidents occurring at the program.
- Other duties as assigned.

#### **83040.7 Case Conference Review**

The Case Conference Review shall be conducted no earlier than 60 days and no later than 90 days from the date of initial release to the facility, and every six months thereafter. In conducting the Case Conference Review, the parole agent and unit supervisor shall:

- Review the effectiveness of the current IRP and case plan and determine if modifications are appropriate or necessary.
- Review the participant's behavior and compliance with their requirements of participation, curfew, IRP and case plan, and whether any program milestones were achieved.
- Document results according to established procedures.
- Provide a copy of the documented results to the CC III upon request.

#### **83040.8 Misconduct Return**

If the participant has been involved in any type of misconduct or failure to abide by the requirements on the CDCR Form 1516, a CDCR Form 1502 shall be initiated annotating the misconduct and identifying PC 5054.1 and 1170.05 as the authority for a participant RTI. Failure to abide by the requirements represented on the CDCR Form 1516 are grounds for immediate removal from the program. Reporting program participant misconduct shall be documented on a CDCR Form 1502 and a copy shall be forwarded to the on-site CC III as soon as possible, under the following conditions:

- When DAPO is notified or becomes aware that a participant has been involved in any form of misconduct, identified as a suspect or arrested by local law enforcement, a case conference shall be conducted by the Parole Agent II (Specialist) and CC III (or designee if the CC III is unavailable) and unit supervisor to determine if RTI is warranted.
- If the case conference determines that the behavior warrants RTI, DAPO staff shall notify the DRP MCRP Program Manager immediately and coordinate the return of the participant to a designated institution via county jail or direct admit. Relevant information, similar to information needed for parole violation reports, shall be documented on the CDCR Form 1502.

The CDCR Form 1502, and any/all reports; e.g., police reports, urinalysis test results, witness testimony, etc., relevant to the behavior shall be forwarded to the CC III.

#### **83040.9 Voluntary Returns**

In the event a participant elects to voluntarily return to an institution, the Parole Agent II (Specialist) will interview the participant in an attempt to resolve the issues concerning the participant's request to RTI. Where appropriate, the Parole Agent II (Specialist) shall case conference with the unit supervisor, the CC III, and the participant to review the circumstances and attempt to resolve the participant's reason(s) for requesting the voluntary return and the following shall occur:

- The participant shall be RTI via gate turn-in, or detained and transported to the nearest county jail.
- The DRP MCRP Program Manager shall be notified of all voluntary returns.

- Voluntary returns shall be documented on a CDCR Form 1502, and a copy forwarded to the DRP MCRP Program Manager.

After being returned to an institution, the inmate may submit a new request for program participation on a new CDCR Form 2234.

#### **83040.10 Escape Following Arrival to the Program**

When DAPO is notified or has determined a participant has escaped, the Parole Agent II (Specialist) shall follow the procedures addressed in the DAPO Confidential Memorandum on Escape Procedures.

#### **83040.11 Transition to Post Release Community Supervision or Parole**

The Sacramento Central Office–Western Interstate Corrections Compact (SACCO-WICC) Records Office shall screen all participants for Post-Release Community Supervision (PRCS) eligibility. Participants deemed eligible for PRCS will be processed consistent with current practice for inmates incarcerated in DAI facilities.

For participants transitioning to parole, any remaining release funds shall be forwarded to the assigned parole unit. On the parole date, DAPO shall continue supervision of the participant according to current policy and procedures for parolee supervision.

#### **83040.11.1 Release Program Study Procedures**

SACCO-WICC shall monitor the release dates for all offenders who are MCRP participants and notify the assigned MCRP Parole Agent II (Specialist) when an offender is within 210 days of their Earliest Possible Release Date. SACCO shall also ensure that applicable notifications are made pursuant to PC 3058.8 and 3058.61, and generate the Warden's Checkout Order. In addition, SACCO shall process the hard-copy Release Program Study (RPS) for PRCS cases, once it is received from the MCRP Parole Agent II (Specialist). Upon receipt of the finalized RPS, SACCO shall scan the RPS for electronic filing in the Electronic Records Management System.

Upon notification that an offender is within 210 days of their scheduled release date, the MCRP Parole Agent II (Specialist) shall initiate the RPS in SOMS and complete sections I – IV. Once complete, the Parole Agent II (Specialist) shall electronically forward the RPS to the appropriate recipient. For offenders being released to the Division of Adult Parole Operations, the RPS shall be electronically routed to the responsible Regional Reentry Unit. For offenders being released to Post Release Community Supervision, the RPS shall be printed and forwarded by mail to SACCO. Upon receipt of the RPS from the state or county agency with jurisdiction, the Parole Agent II (Specialist) shall complete section VII of the RPS and provide copies to the offender and SACCO.

The MCRP Parole Agent II (Specialist) shall initiate the electronic RPS in SOMS for all offenders who are endorsed for MCRP placement if no RPS was previously initiated. In the event an offender is endorsed for MCRP placement with a RPS already in process, the RPS and associated Release Plan may be cancelled in SOMS to expedite the MCRP placement. In no instance shall completion of the RPS be allowed to impede transfer to a MCRP facility.

#### **83040.12 Revisions**

The DAPO Director or designee shall ensure this section remains current and accurate.

#### **83040.13 References**

PC § 1170.05, 1203.2, 3000.08, 3056, and 5054.1

#### **ARTICLE 20 — RESERVED**

#### **ARTICLE 21 — RESERVED**

#### **ARTICLE 22 — RESERVED**

#### **ARTICLE 23 — RESERVED**

#### **ARTICLE 24 — RESERVED**

### **ARTICLE 25 — PARTICIPANT OPERATION OF MOTOR VEHICLE**

*Revised October 11, 2018*

#### **83100.1 Inmate Operation of Motor Vehicle Policy**

A participant in any program described in Articles 18 through 24 shall not be permitted to operate a motor vehicle without the permission of the on-site Correctional Counselor (CC) III.

#### **83100.1.1 Inmate Operation of Motor Vehicle Procedures**

If approved by the CC III to operate a motor vehicle, the parole agent shall:

- Make a copy of the participant's valid driver's license, current vehicle registration, and current vehicle insurance card, and place copies in the field file.
- Enter vehicle information into the participant's Vehicle History section in the Strategic Offender Management System.

#### **83100.2 Revisions**

The DAPO Director or designee is responsible for the accuracy of this section.

#### **83100.3 References**

Not Applicable.

### **ARTICLE 26 — PAROLE VIOLATIONS AND REVOCATIONS**

*Revised December 18, 2018*

#### **84010.1 Introduction**

The parole agent shall be responsible for reporting all arrests and/or violations of parole of which he or she should have knowledge of, or were discovered after the fact. All alleged violations of an offender's conditions of supervision shall be investigated and the results shall be documented in the case record by the parole agent. Violations that are substantiated by the parole agent shall be reviewed by the unit supervisor. Citizen complaints regarding an offender shall be investigated by the parole agent. A person making a complaint or an allegation shall be informed of the outcome of the investigation to the extent appropriate and in accordance with current Department policy.

The superior court within each of the 58 counties in the State of California has jurisdiction over the parole revocation and warrant process and is the authority for the adjudication of parole violations where petitions for revocation have been filed. The unit supervisor must consider remedial sanctions in lieu of filing a petition for revocation, except for violations listed in DOM Section 84070.1.1. The final decision to file a petition for revocation with the superior court for the county having jurisdiction over the violation or to make a disposition at the parole unit level shall be made by a Parole Administrator functioning as an Administrative Review Officer within the Division of Adult Parole Operations (DAPO).

#### **Board of Parole Hearings**

The Board of Parole Hearings (BPH) shall remain the parole authority for the release, parole revocation, and discharge of the following:

- Offenders who are certified as Mentally Disordered Offenders and who are being treated by the Department of State Hospitals.
- Lifer parolees, i.e., parolees who are identified as being on parole for life, or long-term parolees who are on parole for a commitment offense listed under Penal Code (PC) Sections 3000.1 and/or 3000(b)(4), and who are released to the community on parole under DAPO supervision.

#### **84010.2 Petitions for Revocation in Superior Court**

If, following the application of its assessment process, DAPO determines that intermediate sanctions are not appropriate, DAPO shall file a petition for revocation with the court in the county of supervision or the court in the county in which the alleged violation of supervision occurred.

If the parolee is arrested and placed in custody on a parole hold *only* and the court in the county in which the parolee is detained **does not** have jurisdiction to hear a petition for revocation, DAPO staff shall:

- Remove the PC 3056 hold and instruct the parolee to report to his or her county of residence/supervision.
- If remedial sanctions are not appropriate, submit a petition for revocation to the court in the county with jurisdiction upon the parolee's return to his or her county of residence/supervision. The parolee shall remain in the community pending any revocation proceedings.
- If the parolee fails to return to his or her county of residence/supervision, petition the court magistrate for a warrant.

The parole agent may voluntarily request to transport the parolee in custody from the facility where the parolee is detained to county jail in the county with jurisdiction to hear the petition. This request requires the approval of the unit supervisor, who shall consider the parole unit workload, distance of transportation,

and availability of other parole agents to assist with the transportation. If the request is approved, the PC 3056 hold shall not be removed, the bulleted language above shall not apply, and the transportation shall be conducted in accordance with DOM, Chapter 8, Article 3.

#### **84010.2.1 Special Procedures for Petitions for Revocation or the Imposition of Remedial Sanctions When a Parolee is Arrested in a County Other Than the County of Residence/Supervision**

##### **Parole Agent**

- If a case is not already entered in PVDTS, initiate the case in PVDTS.
- Enter the charges in PVDTS and complete the CDCR Form 1502-B, Probable Cause Determination.
- If local charges are pending in the county of arrest:
  - Complete the CDCR Form 1500, Parole Violation Decision Making Instrument (PVDMI) to defer the charges to the local jurisdiction and submit the form to the unit supervisor.
  - If the parolee had an active absconding warrant, complete the Judicial Council of California (JCC) Form CR-302, Request and Order to Recall Warrant and submit the form to the unit supervisor for recall of the warrant.
  - Monitor the case while the parolee is in local custody.
  - Obtain the Minute Order or other judicial document if the court finds that a parole and/or law violation occurred.
  - In the PVDTS "Custody History" tab, remove the PC 3056 hold and provide reporting instructions.
- If local charges are not pending, the parolee is being held on a PC 3056 hold only and will be transported back to the county of residence/supervision in custody:
  - The transportation must be completed prior to the "AOR Due Date" in PVDTS.
  - Contact the holding facility and arrange to pick up the parolee.
  - Upon arrival at the holding facility, contact the Warrant Unit to release the hold with instructions for the parolee to be released to the custody of the parole agent.
  - Transport and book the parolee into the appropriate facility in the county of residence/supervision.
  - Update custody location and booking number information in PVDTS.
  - Complete the violation disposition process, i.e., imposition of remedial sanctions or petition for revocation.

##### **Unit Supervisor**

- If the parolee will be released from the county jail with reporting instructions, idle the case in PVDTS and select "out of county with reporting instructions" from the dropdown menu. When the parolee reports to the parole unit, reactivate the case in PVDTS and initiate the disposition process.
- If the parolee remains in custody:
  - Ensure transportation to the jail in the county with jurisdiction to hear the petition for revocation.
  - Ensure that the transportation is completed prior to the "AOR Due Date" identified in PVDTS.
  - Do not idle the case.

#### **84010.2.2 Lines of Responsibility for Petition for Revocation in Superior Court**

##### **Parole Agent**

When the parole agent determines that there is probable cause that a technical parole and/or law violation has taken place, the parole agent shall:

- Conduct a case conference with the unit supervisor immediately, but no later than, close of the first business day following the date of discovery of the alleged violation.
- If remedial sanctions are not being imposed, conduct a planned arrest pursuant to DOM Section 81030.6.
- Place a PC 3056 hold on the parolee via the Warrant Unit.

- If a parolee is being denied booking and DAPO is unable to place a parole hold, the parole agent shall:
  - Contact his or her immediate supervisor and notify the supervisor that the parolee was denied booking.
  - Instruct the parolee to report to his or her assigned parole office by the following business day.
  - Document the denied booking and reporting instructions on the electronic Record of Supervision.
  - If the parolee is released over the parole hold at any time prior to the filing of a petition for revocation and the parolee remains in the community, DAPO may consider pursuing remedial sanctions or filing the petition for revocation for the out-of-custody parolee.
- Immediately, but no later than close of the first business day from the date of the parole hold, enter the charges and initiate the case in PVDTS. Complete the CDCR Form 1502-B and submit the form to the unit supervisor for review.
- Prior to completing the revocation packet (see DOM Section 84010.3.2), determine whether criminal charges stemming from a technical parole and/or law violation have been filed by the District Attorney. If charges have been filed, complete the CDCR Form 1500 to defer the charges to local jurisdiction, submit the form to the unit supervisor for review, and complete the following:
  - Remove the parole hold upon direction from the unit supervisor.
  - Allow for local adjudication of the case.
  - Monitor the case in accordance with DOM Section 81020.7.5.1.
  - Obtain the Minute Order or other judicial document if the court makes a good cause finding that a violation occurred.
  - Obtain the Minute Order or other judicial document if the parolee was found guilty of a misdemeanor or felony offense.
- If charges have not been filed and remedial sanctions are not being imposed, complete the CDCR Form 1500, the JCC Form CR-300, Petition for Revocation, and the CDCR Form 1676, Parole Violation Report prior to, but no later than, the mandatory due date as identified in PVDTS.
- If the arrest date and hold date do not match, enter the reason for the discrepancy in the "Case Comments" in PVDTS.
- On CDCR Form 1676, ensure that every fearful, confidential, or minor/juvenile witness and/or victim is not represented by name but is instead referred to as "witness 1 and/or victim 1" and so on in order to protect the identity of the witness and/or victim.
- In the "Evaluation" section of the CDCR Form 1676, document that remedial sanctions were considered and why they were deemed inappropriate at this time. Document prior types of remedial sanctions and the parolee's compliance and degree of participation as applicable. The reasons for overriding PVDMI must be clearly articulated in the body of the evaluation. The California Rules of Court require the Supervising Agency to clearly articulate what specific intermediate sanctions without court intervention as authorized by PC Sections 3000.08(f) or 3454(b) were considered for this violation and the reasons why intermediate sanctions are inappropriate responses to the alleged violation.
- Prepare the revocation packet to include all documents listed below and forward the packet to the unit supervisor for review prior to, but no later than, the close of business on the mandatory due date as identified in PVDTS. Ensure that the following forms are completed within PVDTS and electronically generated as attachments to the JCC Form CR-300 for unit supervisor review:
  - **CDCR Form 1676.**
  - **CDCR Form 1521-B, Criminal History.**
  - **CDCR Form 1244, Parole Violation History.**
  - CDCR Form 1515, Notice and Conditions of Parole (scanned) or a copy of the Notice of Conditions form generated in SOMS, signed by the parolee.
  - CDCR Form 1515-Addendum, Special Conditions of Parole (scanned) or a copy of the Special Conditions of Parole form generated in SOMS, signed by the parolee.
  - CDCR Form 2271, Notice and Request for Assistance While in a County Jail (scanned).

- Any other supporting evidence and/or evidentiary documents (scanned and/or uploaded).

Note: The forms in **bold** above are incorporated into the electronically generated revocation packet within PVDTS. Where “scanned” is indicated, the unit supervisor shall ensure that the documents are scanned into PVDTS.

- Upon being subpoenaed, appear in court to testify.
- Remove the parole hold upon the court’s decision to revoke parole and monitor the case pursuant to DOM Section 81020.7.5.1. If the county jail releases the parolee prior to the end of the scheduled release date, the revocation period shall be deemed to end on the date of release (unless the parolee is released to an alternative program in lieu of custody). Enter the new release date under the “RRD Tracking” tab in PVDTS within five business days of the date of discovery of the parolee’s release.

If the parole agent discovers additional technical parole and/or law violations that require the submission of additional information to the District Attorney, the parole agent shall record the additional information on the CDCR Form 1502-B and forward the form to the unit supervisor immediately, but no later than close of the first business day following the date of discovery. DAPO staff shall follow the process outlined in this policy for processing technical parole and/or law violations.

#### Unit Supervisor

When the unit supervisor determines that there is probable cause that a technical parole and/or law violation has occurred, the unit supervisor shall:

- Ensure that a case conference has been conducted within the first business day following the date of the discovery of the alleged violation.
- If remedial sanctions are not being imposed, ensure that a PC 3056 hold is placed via the Warrant Unit and that the case is initiated in PVDTS.
- Review and electronically sign the CDCR Form 1502-B, and complete the probable cause determination step in PVDTS. The unit supervisor must indicate whether probable cause exists for at least one charge and whether the parole hold must be maintained.
  - When probable cause exists and a remedial sanction is the preferred decision, select the “Remedial Sanction” option in PVDTS and order the parole hold removed.
  - When probable cause exists and a remedial sanction is not the preferred decision, continue to process the revocation packet.
- No later than close of the first business day from the date of the parole hold, forward the CDCR Form 1502-B with the field file to the Court Agent/Notice Agent (see DOM Section 84020.1) upon completion of the probable cause determination step in PVDTS.
- Ensure that all fields have been appropriately populated on the CDCR Form 1500.
- Ensure that the revocation packet is accurate and complete, including attachments.
- Complete the referral step in PVDTS.
- Electronically sign the revocation packet and input the unit supervisor’s decision into PVDTS no later than 12:00 p.m. on the mandatory due date as identified in PVDTS. This is a **shared date** between the unit supervisor and the Administrative Review Officer (ARO).
- Ensure that the parole hold is removed upon the court’s decision to revoke parole and that the case is monitored pursuant to DOM Section 81020.7.5.1.
- If the District Attorney files technical parole and/or law violation charges prior to the unit supervisor’s required review date, the unit supervisor shall close the case in PVDTS as a “Defer to Local Jurisdiction” and ensure that the parole hold is removed.
- Ensure that court hearings are attended by DAPO staff, if subpoenaed.

- Ensure that PVDTS is updated with the final disposition and that the case is closed in PVDTS.
- Ensure that Minute Orders are obtained, scanned into PVDTS, distributed to Parole Case Records, and placed in the field file upon completion of the court proceedings.
- Ensure that the new Revocation Release Date is entered in PVDTS.
- Ensure that the BPH Special Processing Unit is notified of criminal proceedings impacting a parolee pursuant to PC Section 3000.1 via electronic mail at BPH\_Executive\_Analysis\_Unit\_Group@cdr.ca.gov, and provide the results of any good cause findings or criminal proceedings impacting a parolee pursuant to PC Section 3000.1.

#### Administrative Review Officer

The ARO shall:

- Review all petitions for revocation by the close of business on the mandatory due date as identified in PVDTS. This is a **shared date** between the unit supervisor and the ARO.
- Review PVDMS and the revocation packet.
- Determine an appropriate disposition option:
  - Return the case to the unit supervisor to impose a remedial sanction(s). This makes the case available to the unit supervisor for disposition and closure at the parole unit level.
  - Return the case to the parole unit for corrections.
  - Concur with the unit supervisor’s decision to petition the court for revocation. This makes the case available to the Court Agent/Notice Agent (see DOM Section 84020.1) for processing.
  - Close the case in PVDTS as a “Defer to Local Jurisdiction.”
  - Dismiss the case and close it in PVDTS.

#### 84010.2.3 Mandatory Notifications for Sex Offense Revocations

Pursuant to PC Section 3060.6, when the court or BPH revokes the parole of a parolee for criminal conduct described in PC Section 290(c) and new criminal charges have not been filed against the parolee, the parole agent shall notify the District Attorney and the local law enforcement agency having jurisdiction over the location where the conduct occurred. The parole agent shall document the notifications on the electronic Record of Supervision noting the method of notification and the name and title of the person notified. The parole agent shall complete the notifications within seven business days of the day that the parolee is revoked.

#### 84010.2.4 Parole Agent Procedures for Holds Placed by Non-DAPO Peace Officers

Any peace officer may arrest a parolee and book the parolee into county jail under PC Section 3000.08(c). Upon discovery of a PC 3000.08(c) hold being placed on a parolee, the parole agent shall:

- Obtain the information of the arresting agency, the charge(s), the booking number, and any other relevant information.
- No later than the close of business on the first business day following the discovery of the PC 3000.08(c) hold, conduct a case conference with the unit supervisor to determine if a parole and/or law violation has occurred.
- If there is probable cause that a technical parole and/or law violation has occurred and the unit supervisor determines that the parolee would pose an imminent threat to the community if he or she was released, place a PC 3056 hold on the parolee and initiate the case in PVDTS.
- No later than the close of business on the first business day following the discovery of the PC 3000.08(c) hold, if the parolee had an active DAPO-initiated warrant that was not previously entered into SOMS, place a PC 3056 hold on the parolee and initiate the case in PVDTS.
- If there was no DAPO-initiated warrant and the unit supervisor elects not to pursue a petition for parole revocation, the parole agent shall not place a PC 3056 hold on the parolee. Instead, the parole agent shall do the following no later than the close of business on the first business day following the discovery of the violation:
  - Initiate the case in PVDTS as a “No Hold/COP Remedial.”
  - Complete the case according to the deadlines in PVDTS as a remedial sanction.
  - Monitor the custody status of the parolee in accordance with DOM Section 81020.7.5.1.

**84010.3 Lifer or Long-Term Revocation Procedures**

Revocations for lifer and long-term parolees under PC Sections 3000.1 and/or 3000(b)(4) may be referred to the local court for a good cause in violation of terms and conditions of parole finding *only*. Authority to sentence lifer or long-term parolees, as stated in DOM Section 84010.1, rests with BPH.

- If the court does not make a good cause finding that a violation in terms and conditions of parole occurred, the revocation charges shall be dismissed and the parolee shall be released. The unit supervisor shall ensure that the parole agent immediately releases the parole hold by contacting the Warrant Unit as described in DOM Section 84040.6.
- If the court makes a good cause finding that a violation in terms and conditions of parole occurred, the parolee shall be remanded to the custody of the California Department of Corrections and Rehabilitation (CDCR). The Notice Agent/Court Agent (see DOM Section 84020.1) shall scan the Minute Order for the case into the Parole Violation Disposition Tracking System (PVDTS) and notify the unit supervisor that the parolee has been remanded to the custody of CDCR. The Minute Order must state that an evidentiary hearing was held, or that the evidentiary hearing was waived by the parolee.

Lifer parolees who are released on parole under DAPO supervision and whose commitment offenses do not fall under PC Sections 3000(b)(4) or 3000.1 shall be subject to the revocation process outlined in DOM Section 84010.3 when they commit violations of their conditions of supervision.

If the parole agent becomes aware that the District Attorney's Office has filed a petition for revocation or criminal charges against the lifer or long-term parolee at any point prior to DAPO's petition for revocation being filed, the parole agent shall:

- Defer charges upon confirmation that the case has been accepted by the District Attorney's Office.
- Remove the parole hold.
- Allow for local adjudication of the case.
- Monitor the case in accordance with DOM Section 81020.7.5.1.
- Obtain the Minute Order or other judicial document if the court makes a good cause finding that a violation occurred.
- Obtain the Minute Order or other judicial document if the lifer or long-term parolee is found guilty of a misdemeanor or felony offense.

Upon receipt of the Minute Order or other judicial document signifying a good cause finding or a new criminal conviction, the unit supervisor shall:

- Update the PVDTS "Final Case Disposition" screen with the court's disposition.
- Send the Minute Order, revocation packet (see DOM Section 84010.3.2), CDCR Form 1018, Notice of Return to Prison, and CDCR Form 1617, CDCR Memorandum to BPH via electronic mail to the Executive Analysis Unit at [BPH\\_Executive\\_Analysis\\_Unit\\_Group@cdcr.ca.gov](mailto:BPH_Executive_Analysis_Unit_Group@cdcr.ca.gov).

**84010.3.1 Life or Long-Term Parolee Transportation to Institution After Good Cause Finding or New Criminal Conviction**

After the court has found good cause in violation of the terms and conditions of parole or upon notification from the parole agent that a lifer or long-term parolee is in custody as a result of a new criminal conviction, the Notice Agent/Court Agent (see DOM Section 84020.1) shall contact the facility holding the lifer or long-term parolee to determine if the county will transport the parolee to a Reception Center. If the county will not provide transportation, the Notice Agent/Court Agent shall notify the unit supervisor. The unit supervisor shall ensure that the CDCR Form 1018 is completed and sent with the Minute Order to the DAI Statewide Transportation Unit via electronic mail at [TransStatewideSched@cdcr.ca.gov](mailto:TransStatewideSched@cdcr.ca.gov). The parole agent shall monitor the case as an in-custody case in accordance with DOM Section 81020.7.5.1.

In the event that the parolee is not in custody and the new criminal charge is still pending, the Notice Agent/Court Agent shall inform the

District Attorney to ensure that the court is aware of the parolee's status and of the need to remand the parolee into CDCR custody if the parolee is convicted.

**84010.3.2 Documents Required for Parole Reconsideration Hearings**

When a period of six months or more has passed from the date of a lifer or long-term parolee's release to parole and the court has found good cause in violation of the terms and conditions of parole, the parole agent shall document the parolee's activity for the purposes of a BPH Parole Reconsideration Hearing. When this circumstance occurs, the parole agent shall complete the CDCR Form 1617 and submit it to BPH within 30 days of the court's decision, or as otherwise directed by BPH, to include the following case factors:

- Background.
- Parole supervision.
- Residence history.
- Employment history.
- Community programs that the parolee was referred to prior to the violation.
- Summary of the parole adjustment.

The unit supervisor shall send the Minute Order, revocation packet (see DOM Section 84010.3.2), CDCR Form 1018, and CDCR Form 1617 to BPH via electronic mail to the Executive Analysis Unit at [BPH\\_Executive\\_Analysis\\_Unit\\_Group@cdcr.ca.gov](mailto:BPH_Executive_Analysis_Unit_Group@cdcr.ca.gov). The parole agent shall monitor the case as an in-custody case in accordance with DOM Section 81020.7.5.1.

BPH will schedule a Parole Reconsideration Hearing. At the Parole Reconsideration Hearing, the Commissioner and Deputy Commissioner of BPH may either grant a release or order a lifer parolee returned to lifer inmate status:

- If the lifer parolee is granted release, BPH shall expedite the decision review and Governor's review, usually completing both reviews within ten business days of the Parole Reconsideration Hearing. Once these reviews are completed and the Parole Reconsideration Hearing decision is confirmed, BPH shall issue a "Release Memo – Release to Parole" authorizing the lifer parolee's release. Per California Code of Regulations, Title 15, Division 2, Section 2041(h) and PC Section 3041.2, BPH and the Governor may take up to 150 days combined to complete their reviews, depending upon the circumstances of the case at hand.
- If the lifer parolee is denied release, he or she shall be remanded to the custody of CDCR and returned to lifer inmate status.
  - If the lifer parolee is returned to lifer inmate status, BPH shall notify the DAPO Community Transition Program (CTP) of the status change via electronic mail at [CDCRLiferInvestigations@cdcr.ca.gov](mailto:CDCRLiferInvestigations@cdcr.ca.gov). CTP shall notify the parole unit staff and the parolee's case shall be closed in accordance with DOM, Chapter 8, Article 8. The closure shall be documented on the CDCR Form 1502-DR, Discharge Review Report by the parole agent.
  - The unit supervisor shall close interest in the case and enter the lifer parolee's return to prison as a supervision event in SOMs.
  - DAPO shall retain and process all lifer parolee field files in accordance with DOM, Chapter 8, Article 9.

**84010.4 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

**84010.5 References**

CCR (15) (2) § 2041.

PC §§ 1168, 1170, 1203.2, 2962, 3000(b)(4), 3000.08, 3000.1, 3015, 3041.2, 3056, 3057, 3060.6, 3060.7, 4019(a)(5), 5054, and 5058.

ACA Standard 4-APPFS-1C-02.

**ARTICLE 27 — NOTICE AGENT AND COURT AGENT**

*Revised December 18, 2018*

**84020.1 Notice Agent and Court Agent Policy**

The District Court Compliance Unit (DCCU) is comprised of Parole Agent IIs (Supervisors) and Parole Agent Is (Notice Agents and Court Agents). The DCCU staff are DAPO's primary parole revocation and American with Disabilities Act (ADA) representatives to the Superior Courts, sheriff's departments, district attorneys, Public Defenders, and CDCR staff.

The primary function of the Notice Agent is to serve a Notice of Charges on a parolee who is housed in a county jail following the placement of a parole hold by

DAPO staff, notify the county jail staff of any reasonable accommodation(s) that may be needed on behalf of the parolee or Armstrong class member out-to-court inmate, meaning an inmate who is serving a prison term but who is being held in county jail for a court proceeding, and ensure that the notification is appropriately documented. All Notice Agents may be cross-trained to perform Notice Agent duties as well as Court Agent duties as operational and/or logistical needs dictate.

The primary function of the Court Agent is to represent DAPO when interacting with the local courts and jails, District Attorneys, Public Defenders, and other CDCR/DAPO staff during the revocation process. All Court Agents may be cross-trained to perform Court Agent duties as well as Notice Agent duties as operational and/or logistical needs dictate.

The Court Agent shall process all warrant requests, warrant recalls, and petitions for revocation with the court in a timely manner, adhering to legal time frames, and attend parole arraignments as dictated by the court's local revocation process. CDCR must provide equal access to all parole proceedings for inmates/parolees with disabilities, consistent with the Americans with Disabilities Act (ADA), the *Armstrong Remedial Plan*, and court orders pertaining to parole proceedings.

#### **84020.2 Notice Agent Procedures**

The Notice Agent shall serve the Notice of Charges to parolees housed in county jails within three business days following the placement of the Penal Code (PC) 3056 parole hold. Prior to serving the parolee with any document(s), the Notice Agent shall:

- Review the Disability and Effective Communication System (DECS), which is the database used by CDCR to track all offenders' disabilities and accommodations, as well as the source documents contained in the field file or in the Electronic Records Management System to identify any disabilities and determine the need for effective communication(s) and/or reasonable accommodation(s) prior to serving the parolee with the Notice of Charges.
- The reviewing Notice Agent shall conduct the serve unless the parolee is out of the Notice Agent's assigned parole district. If the parolee is out of the reviewing Notice Agent's assigned geographic area, PVDTS will automatically notify the Notice Agent assigned to the geographic area where the parolee is located.
- DECS shall be reviewed by the Notice Agent responsible for conducting the serve regardless of the parolee's location.
- Complete Section I of the CDCR Form 2271, Notice and Request for Assistance While in a County Jail utilizing the triplicate carbonless copy form.
- Provide any reasonable accommodation(s) during the serve of the Notice of Charges, if needed. Conduct a face-to-face interview with the parolee to ensure that effective communication(s) and/or reasonable accommodation(s) are established as follows:
  - Allow the parolee to self-identify any disabilities or request assistance for effective communications, accommodations, medical appliances, equipment, housing, and healthcare.
  - Have the parolee read out loud the statement in Section II of the CDCR Form 2271 and articulate in his or her own words his or her understanding of his or her rights.
  - If the parolee cannot read, the Notice Agent shall read and explain all of the documents and charges.
  - Have the parolee write in his or her CDC number and sign and date Section II of the CDCR Form 2271.
  - Explain the CDCR Form 2275-CJ, Request for Reasonable Modification or Accommodation for Access to Housing and/or Programs in a County Jail, and provide the form along with a pre-paid, pre-addressed reply envelope, to all *Armstrong* class members housed at county jails, and to any other parolees housed at a county jails who requests an accommodations related to a disability needs.
  - Assist the parolee in completing the CDCR Form 2275-CJ and mailing the form, as needed.

- If the parolee's ADA accommodations are not being met, advise and encourage the parolee to also use the county jail grievance process.
- Determine whether the parolee appears to understand or has difficulty understanding the proceedings and check the appropriate box in Section III of the CDCR Form 2271.
- Check the appropriate boxes in Section III of the CDCR Form 2271 to identify any effective communication method(s) used.
- Note any relevant information in the "Additional Comments" in Section III of the CDCR Form 2271, such as discrepancies between observed disabilities and information in a source document or DECS.
- In the event that the parolee refuses to sign the CDCR Form 2271 or is unable to sign the CDCR Form 2271, document "Parolee refused to sign" or "Parolee unable to sign" and any relevant information about the signature in the "Additional Comments" section.
- If the parolee requests an accommodation, or the Notice Agent identifies a need for an accommodation based on observations while conducting the serve, the Notice Agent shall immediately inform the county jail staff and document the notification in Section III of the CDCR Form 2271.
- The Notice Agent shall document the date and his or/ her name, title, and signature in Section III of the CDCR Form 2271.
- Provide the canary-colored copy of the CDCR Form 2271 to the parolee.

The Notice Agent shall provide the Notice of Charges to the parolee, providing any reasonable accommodation(s) during the serve of the Notice of Charges, if needed. The Notice Agent shall briefly explain each of the charge(s) as listed on CDCR Form 1502-B, Probable Cause Determination, which is electronically generated in the Parole Violation Disposition Tracking System (PVDTS), and provide a copy of the form to the parolee. The CDCR Form 2271 shall be used for both in-custody and not-in-custody serves conducted by the Notice Agent.

Following the completion of the Notice of Charges, the Notice Agent shall:

- Access DECS through PVDTS and update the CDCR Form 2271 in DECS with all of the information that was obtained from the face-to-face meeting with the parolee and documented on the paper copy of the CDCR Form 2271.
- Enter the results of the Notice of Charges service into PVDTS.
- Scan the signed CDCR Form 2271 into PVDTS.
- Return the completed Notice of Charges packet, which consists of CDCR Form 2271 and CDCR Form 1502-B, to the unit supervisor for placement into the field file.

#### **84020.2.1 Notice Agent Advance Serve Log Policy**

The CDCR Form 2017, Notice Agent Advance Serve Log shall be completed to ensure that reasonable efforts are made to serve parolees in accordance with DOM Section 84020.2. The CDCR Form 2017 shall list all parolees whose CDCR Form 1502-B has been completed and is ready for an attempted serve. Every working day, a Notice Agent conducting serves on parolees and out-to-court *Armstrong* class members shall submit the CDCR Form 2017 to the unit supervisor via electronic mail prior to leaving the parole unit for the locations where offenders will be served. Each Notice Agent shall review PVDTS every working day for offenders requiring service of the Notice of Charges when compiling the CDCR Form 2017. Each Notice Agent shall also review his or her electronic mail for the "Daily Delivery Report" (see DOM Section 84020.2.3) and for notifications from the unit supervisor regarding any out-to-court *Armstrong* class members in local custody.

#### **84020.2.2 Notice Agent Advance Serve Log Procedures**

After the Notice Agent has completed the serves and attempted serves for the working day, the Notice Agent shall update the CDCR Form 2017 and shall:

- Enter the date of each completed serve and attempted serve in the appropriate boxes for each parolee.
- Enter an "X" on the line next to "Completed Serves For" and enter the date on the line provided to indicate the serves that were completed and/or attempted on that date.
- Place all parolees who remain in custody after a parole hold on each day's log until the service of the Notice of Charges process is completed.
- Save the file name of the CDCR Form 2017 as "Completed Serve Log" when the completed and attempted serve dates have been entered.



- Submit the “Completed Service Log” to the unit supervisor via electronic mail.
- Track the information entered into the CDCR Form 2017 daily, ensuring that parolees pending service are transferred to subsequent spreadsheets until the parolee is served in the county of custody or until the parolee is transported back to the county of supervision.
- Enter parolees returned to California from another state in the designated section of the electronic Advance Serve Log.

If a Notice Agent’s working day ends in the field, the “Completed Serve Log” shall be submitted to the unit supervisor via electronic mail on the following working day prior to the Notice Agent leaving the parole unit to conduct any serves. Any cases that require a second or third attempt to serve shall be transferred from the prior day’s “Completed Serve Log” onto the current day’s CDCR Form 2017.

#### **Unit Supervisor**

After all Notice Agents in a DCCU have submitted the CDCR Form 2017 to the unit supervisor, the unit supervisor shall reconcile the logs with PVDTS to ensure that no cases have been overlooked within the assigned district.

#### **84020.2.3 Daily Delivery Report Procedures**

Every unit supervisor and Notice Agent in the DCCU shall review the Daily Delivery Report, which is completed by the Transportation Unit, Extradition Bureau. The Daily Delivery report contains the names and CDC numbers of all of the offenders who have been extradited back to California.

When the Daily Delivery Report indicates that a parolee has been extradited back to California and is in local custody, the Notice Agent shall:

- Attempt to serve the parolee within three business days of the parolee’s return to California.
- Record the completed serve or attempt(s) to serve as described in DOM Section 84020.2.1.

#### **84020.3 Court Agent Procedures**

##### **Filing a Petition for Revocation**

When the Court Agent receives the revocation packet (see DOM Section 84010.3.2) from the Administrative Review Officer via PVDTS to be submitted to the local court for adjudication, the Court Agent shall:

- Review the revocation packet for completeness and compliance with DOM, Chapter 8, Article 26.
- Provide the revocation packet to the local court via electronic filing. If the court does not have electronic filing capability, the packet shall be hand-delivered to the court clerk by 12:00 p.m. on the designated date as indicated in PVDTS.

The revocation packet that is submitted to the court shall include the following non-confidential documents:

- Judicial Council of California (JCC) Form CR-300, Petition for Revocation.
  - CDCR Form 1676, Parole Violation Report.
  - CDCR Form 1521-B, Criminal History.
  - CDCR Form 1244, Parole Violation History.
  - CDCR Form 1515, Notice and Conditions of Parole.
  - CDCR Form 1515-Addendum, Special Conditions of Parole (if applicable).
  - Ensure that both the District Attorney and the Public Defender are notified via electronic mail that the revocation packet is electronically available in the District Attorney/Public Defender PVDTS packet.
- In addition to the non-confidential documents contained in the revocation packet that is submitted to the court, the following confidential documents shall be included in the revocation packet that is submitted to the District Attorney and the Public Defender:
- CDCR Form 2271, Notice and Request for Assistance While in a County Jail.

- Any other supporting evidence and/or evidentiary documents.
- If the District Attorney and/or the Public Defender do not have electronic mail capability, the packet should be hand delivered to the District Attorney and/or the Public Defender by 4 p.m. of the “no later than” the designated date as indicated in PVDTS.
- Obtain and enter the date, time, and location of the court hearing on the JCC Form CR-300, and scan or upload the form into the PVDTS “Initial” packet.
- Retain one additional copy of the JCC Form CR-300 with the hearing information included and forward the form with the hearing information included to the unit supervisor for placement in the field file.
- Track and make PVDTS entries of court proceedings including, but not limited to, court dates, case dispositions, and special instructions by the court.
- Obtain the Minute Order or similar judicial document reflecting the court’s disposition. Scan or upload the document into PVDTS and forward it to the unit supervisor for updating of the appropriate database and placement in the field file.
- Contact the Board of Parole Hearings Special Processing Unit via electronic mail at BPH\_Executive\_Analysis\_Unit\_Group@cder.ca.gov, and provide the results of any good cause findings or criminal proceedings impacting a parolee pursuant to PC Section 3000.1.

#### **84020.3.1 Court Agent Warrant Processing Procedures**

The sole authority to issue a warrant for any parolee rests with the court for the county having jurisdiction. After the Notice Agent/Court Agent receives notification from the unit supervisor that the JCC Form CR-301, Warrant Request and Order is available in PVDTS and is ready to be submitted to the court, the Notice Agent/Court Agent shall:

- File the JCC Form CR-301 with the court for review and signature by the judicial officer. If the warrant has already been entered into the California Law Enforcement Telecommunications System (CLETS) by the county, write “*Warrant Entered in CLETS*” across the top of the completed JCC Form CR-301.
- Scan or upload the signed JCC Form CR-301 into PVDTS.
- Provide a copy of the JCC Form CR-301 to the unit supervisor or designee for processing.
- If the warrant request is denied by the judicial officer, return the JCC Form CR-301 to the unit supervisor or designee for processing.

#### **84020.3.2 Court Agent Processing Procedures – Warrant Cancellation**

Upon receiving a JCC Form CR-302, Request and Order to Recall Warrant signed by the unit supervisor, the Court Agent shall:

- File the JCC Form CR-302 with the court for the county having jurisdiction.
- Obtain the signed copy of the JCC Form CR-302 and the Minute Order containing the judicial officer’s approval, and forward them to the unit supervisor or designee for processing.
- By close of the next business day following the judicial officer’s approval, scan the signed JCC Form CR-302 into PVDTS, which will transmit and electronically send a copy of the form to Parole Case Records and the Warrant Unit.

If the judicial officer elects not to sign JCC Form CR-302 to recall a warrant or reinstate parole supervision, the Court Agent shall:

- Complete the CDCR Form 2259, No Court Action Daily Log.
- Forward the CDCR Form 2259 and the JCC Form CR-302 to the Court Agent’s supervisor.

#### **District Court Compliance Parole Agent II (Supervisor) if the Court Takes No Action**

In the event there is no court action, the District Court Compliance Parole Agent II (Supervisor) shall review the JCC Form CR-302 and then do the following:

- Write across the form: “No court action, recall warrant and reinstate, no time tolled.”
- Print his or her name on the form, and sign and date the form.
- Scan and upload the JCC Form CR-302 into PVDTS, which will transmit an electronic copy of the form to the Warrant Unit and Parole Case Records.

#### **84020.4 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

**84020.5 References**

*Armstrong v. Brown Court Ordered Remedial Plan II*, dated December 1, 2010.

*Armstrong v. Brown*, U.S.D.C. (N.D. Cal.), Case No. C 94-2307 CW; 2012 WL 1222928.

PC §§ 1168, 1170, 1203.2, 2962, 3000(b)(4), 3000.08, 3000.1, 3015, 3056, 3057, 3060.7, 4019(a)(5), 5054, and 5058.

United States Code, Title 42 § Section 12102.

**ARTICLE 28 — WARRANT REQUESTS**

*Revised December 18, 2018*

**84030.1 Policy**

Parolees who have absconded from parole supervision pose a risk to the community; therefore, it is incumbent upon the parole agent to maintain contact with parolees in accordance with DOM, Chapter 8, Article 2. If the parole agent finds probable cause that a parolee is unavailable for supervision and cannot be located, and all reasonable efforts to locate him or her have been exhausted, the parole agent shall submit the request to the unit supervisor no later than one working day.

If exigent circumstances are present, the parole agent shall request that a warrant be issued by the court. Exigent circumstances include, but are not limited to: serious and/or repetitive violations of the conditions of parole; committing a new offense; a risk to public safety that is posed by the offender's continued presence in the community; or a parolee who engages in and/or has exhibited behavior where there is reason to believe that he or she is a danger to himself or herself or that he or she poses a significant danger to persons within the community.

Warrants shall be requested from the superior court in the county in which the parolee is being supervised. Interstate Compact cases that are being supervised in California on behalf of other states and jurisdictions are excluded from this policy and warrant requests for these cases shall be processed in accordance with DOM, Chapter 8, Article 6.

Pursuant to Penal Code (PC) Section 3060.7 and CCR Section 3504.1, a warrant shall be requested within 24 hours of a parolee's failure to report to DAPO upon the parolee's release from custody if the parolee has a California Static Risk Assessment score of five or if the parolee is required to register pursuant to PC Section 290.

**84030.1.1 Procedures for Requesting a Warrant During Normal Business Hours**

When a parole agent determines that a parolee's behavior requires a warrant request, the following lines of responsibility shall apply:

**Parole Agent**

- Document all due diligence efforts to locate the parolee on the electronic Record of Supervision.
- Conduct a case conference with the unit supervisor to determine the need to request the warrant from the court magistrate document the results of the case conference on the electronic Record of Supervision.
- Initiate a case in the Parole Violation Disposition Tracking System (PVDTS), and select "Warrant Request/Parolee At Large" as the initiation type.
- Identify the parolee's California Static Risk Assessment (CSRA) score.
- Identify if the parolee was resentenced pursuant to PC Section 1170.18(d).
  - For such a parolee, review the field file and the parolee's profile in the Electronic Records Management System to determine if there are non-controlling cases or special enhancements that will allow DAPO to retain jurisdiction beyond the MMP parole term. If so, ensure that the case numbers are listed on the Judicial Council of California (JCC) Form CR-301, Warrant Request and Order.
- Initiate the case in PVDTS and select "Warrant Request/Parolee at Large" as the case type.
- Complete the JCC Form CR-301 and the JCC Form MC-031, Attached Declaration within PVDTS, thoroughly documenting all

evidence of absconding and of efforts taken to locate the parolee for consideration by the court magistrate; the JCC Form MC-031 is not needed if the parole agent can thoroughly document this information on the JCC Form CR-301.

- If PVDTS or the Strategic Offender Management System (SOMS) are not functioning, the forms may be completed manually and shall be available on the CDCR Intranet website.
- Under the "Warrant Request" heading on the JCC Form CR-301, check the "Other" box and type "Recommend no bail warrant."
- Check the appropriate boxes for the Wanted Persons System (WPS) and/or National Crime Information Center system.
- Sign and submit the JCC Form CR-301 and the JCC Form MC-031 (if needed) to the unit supervisor for review, approval, and processing.
  - Document the submission of the request for the warrant on the electronic Record of Supervision.
- If the warrant request is approved by the court, supervise the parolee according to DOM, Chapter 8, Article 2. Arrests shall be made in accordance with DOM, Chapter 8, Article 3.
- If the warrant request is denied by the court, provide the JCC Form CR-301 to the unit supervisor and document the denial on the electronic Record of Supervision. If the circumstances for seeking the warrant remain, address the reason for denial and resubmit the request to the court for reconsideration.

**Unit Supervisor**

- Conduct a case conference with the parole agent to determine the need to request the warrant from the court magistrate.
- Review the warrant request and complete the CDCR Form 2207, Warrant Investigation Checklist. If an action listed on the form to be completed by the investigating parole agent is waived by the unit supervisor, enter the reason the action was waived in the "Comments" section.
  - Place the offender into pending warrant status using the "Pending Warrant" Supervision Event in the Strategic Offender Management System (SOMS).
  - If additional investigation is necessary, complete a CDCR Form 2207, indicating additional efforts required by the parole agent, and provide a copy of the form to the parole agent.
  - If the warrant request is appropriate, approve, sign, and forward the JCC Form CR-301, CDCR Form 2207 and all attachments, if any, to the Notice Agent/Court Agent for processing.
- If the warrant request is approved by the court:
  - Check the California Law Enforcement Telecommunications System (CLETS), WPS screen to confirm the status of the warrant and obtain the warrant number.
  - Ensure that the JCC Form CR-301 is scanned into PVDTS to obtain a warrant number, if the county did not provide one, and to automatically transfer the record to the Warrant Unit and Parole Case Records (PCR).
  - If PVDTS is not functioning, forward a copy of the signed JCC Form CR-301 to the Warrant Unit and PCR via fax or electronic mail by the next business day following the approval of the warrant request.
- If the warrant request is not approved by the court, conduct a case conference with the parole agent to address the reason for denial.

**84030.1.2 Procedures for Requesting a Warrant After Normal Business Hours**

When a parole agent determines that a parolee's behavior requires an immediate warrant request that cannot be delayed until the next business day, the following lines of responsibility shall apply:

**Parole Agent**

In order to request an after-hours warrant, the parole agent shall:

- Gather all necessary information regarding the violation/incident that requires immediate action.
- Contact the unit supervisor and provide the circumstances of the violation/incident and the justification for requesting an after-hours warrant via a case conference.
- If unable to contact the unit supervisor, contact the Administrative Officer of the Day (AOD) via the Warrant Unit and apprise the AOD of the circumstances and the need for an after-hours warrant via a case conference.

- Document the results of the case conference on the electronic Record of Supervision.
- If approval is obtained from the unit supervisor or the AOD pursuant to this section, process the warrant request on the JCC Form CR-301. If approval is not obtained from the unit supervisor or the AOD, the parole agent shall follow the process outlined later in this section.
- Having been instructed by the AOD to contact the Warrant Unit for local after-hours procedures, follow the Warrant Unit instructions and wait to be connected to the county on-call judge or magistrate in the county having jurisdiction over the warrant process. In the event that the parole agent is unable to make contact with a local on-call judge or magistrate for after-hours warrant approval, or if the county with jurisdiction to issue the warrant does not have an after-hours warrant request process, the parole agent shall attempt to obtain a warrant for the arrest of the parolee on the next business day pursuant to the process described in DOM Section 84030.1.1 for obtaining a warrant during normal business hours.
- If the local on-call judge or magistrate provides verbal authorization to issue the warrant, provide the Warrant Unit staff with the following information:
  - Name and title of the unit supervisor or AOD who approved the after-hours warrant request.
  - Name of local on-call judge or court magistrate who gave verbal authorization.
  - Parolee's CDC number.
  - Type of warrant (California-only or NCIC).
  - Cautions and/or warnings.
  - Parolee's last known address.
- If the local on-call judge or magistrate provides verbal authorization to issue the warrant, document the name of the on-call judge or magistrate who authorized the after-hours warrant on the JCC Form CR-301. On the business day following the request for the after-hours warrant, follow the process outlined later in this section.
- If local court procedures require the on-call judge to sign the JCC Form CR-301 after-hours, provide a copy of the signed JCC Form CR-301 and all attachments to the Warrant Unit and local county warrant unit, if the county enters the warrant in CLETS.
- Scan the JCC Form CR-301 into PVDTS to obtain a warrant number, if the county did not provide one, and to automatically transfer the record to the Warrant Unit and PCR.

On the business day following the request for the after-hours warrant, the parole agent shall:

- If the parole agent was able to secure the after-hours warrant, he or she shall provide the JCC Form CR-301 and all attachments to the unit supervisor for processing in accordance with the process described in DOM Section 84030.1.1 for obtaining a warrant during normal business hours.
- If the parole agent was unable to secure the after-hours warrant, and the circumstances necessitating the request still exist, he or she shall process the JCC Form CR-301 and all attachments in accordance with the process described in DOM Section 84030.1.1 for obtaining a warrant during normal business hours.

#### Unit Supervisor

Once contacted by the parole agent regarding the need to request an after-hours warrant, the unit supervisor shall conduct a case conference with the parole agent, determine if an after-hours warrant is necessary, and instruct the parole agent to proceed with a warrant request through the Warrant Unit.

On the business day following the request for an after-hours warrant, the unit supervisor shall:

- Ensure that the parole agent completed the JCC Form CR-301 and the JCC Form MC-031 (if needed).
- Upon receiving the approved warrant from the court magistrate, ensure that SOMS is updated with the suspend date.

- Check the CLETS, WPS screen to confirm the status of the warrant and obtain the warrant number.
- Open the case in PVDTS and enter the warrant number.
- Ensure that the JCC Form CR-301 is scanned into PVDTS to obtain a warrant number, if the county did not provide one, and to automatically transfer the record to the Warrant Unit and PCR.
- If PVDTS is not functioning, forward a copy of the signed JCC Form CR-301 (with the warrant number) to the Warrant Unit and PCR via fax or electronic mail by the next business day.

In the event that the parole agent is unable to make contact with a local on-call judge or magistrate for after-hours warrant approval, or if the county with jurisdiction to issue the warrant does not have an after-hours warrant request process, ensure that the parole agent attempts to obtain a warrant for the arrest of the parolee on the next business day.

#### Administrative Officer of the Day

Once contacted by a parole agent regarding the need to request an after-hours warrant, the AOD shall:

- Determine if the warrant request is appropriate.
- If the warrant request is appropriate, instruct the parole agent to contact the Warrant Unit for local after-hours procedures. Follow up the next business day with the appropriate unit supervisor regarding any action taken by himself or herself by completing the CDCR Form 1698, Administrative Officer of the Day Record of Contact, and submitting it to the unit supervisor.
- If the warrant request is not appropriate, inform the parole agent making the request.

#### 84030.1.3 Warrant Unit Procedures

When a unit supervisor or Notice Agent/Court Agent uploads a signed JCC Form CR-301 into PVDTS, PVDTS will automatically notify Warrant Unit staff. Warrant Unit staff shall:

- For after-hours warrants with a verbal authorization from a local on-call judge or magistrate:
  - Enter the information provided by the parole agent on the CDCR Form 2274, After-Hours Warrant Tracking Form.
  - Enter the warrant information into CLETS.
- Upon receiving notice of the cancellation of a warrant, enter the abstract of the warrant into CLETS as a hold only.
- Maintain the DAPO After-Hours County Warrant Request Log for all after-hours warrant requests.

#### 84030.2 Automated Notification Procedures

When the "Pending Warrant" Supervision Event is entered in SOMS by the unit supervisor, SOMS will trigger an alert in the corresponding parolee record in the Law Enforcement Automated Data System (LEADS). The intent is to advise law enforcement that a warrant has been submitted for the parolee and is awaiting approval by the county court. Under the "Parole Status Notification" heading, an advisement will appear that states, "*Warrant is pending for this parolee, please use caution. Call ID Warrants at (916) 445-6713.*" Upon being contacted by law enforcement, Warrant Unit staff shall contact the parole agent, unit supervisor, or AOD to request a parole hold and forward the authorization to the arresting officer to place the offender into custody on a parole hold.

#### 84030.2.1 Public Notification of Sex Offenders with Absconding Warrants Policy

Sex offenders who are supervised by DAPO who remove or disable their Global Positioning System (GPS) monitors or who fail to report to DAPO upon release from custody pose a threat to public safety. CDCR must take additional steps to mitigate that threat through enhanced public and law enforcement notifications. These notifications are made via the CDCR Internet website and LEADS.

#### 84030.2.2 Public Notification of Sex Offender with Absconding Warrants Procedures

Upon receipt of a signed JCC Form CR-301, if the warrant was issued as a result of the sex offender parolee's removal or disabling of the GPS monitor or the sex offender parolee's failure to report to DAPO upon release from custody, the unit supervisor shall:

- Enter the "GPS Interrupted (notify Web Site)" Supervision Event in SOMS.
- Verify that the SOMS Legal Status Summary screen shows the "Registration Required-Sex Offender (PC290)" legal mandate with "Required" status. If

the “Registration Required-Sex Offender (PC290)” legal mandate does not appear, notify PCR.

For a parolee who is required to register as a sex offender, after the “GPS Interrupted (notify Web Site)” Supervision Event is entered and after Warrant Unit staff enter the warrant in SOMS, SOMS will automatically create a listing for the sex offender parolee at large on the CDCR Internet website.

#### **84030.3 Warrant Cancellation Policy**

The court that issued the warrant has the sole authority to cancel the warrant. The JCC Form CR-302, Request and Order to Recall Warrant is the primary judicial court document that DAPO staff shall utilize for recalling a warrant and reinstating a parolee on parole supervision; however, in some courts throughout the State, the JCC Form CR-302 may not be accepted. Should the JCC Form CR-302 not be accepted, the Minute Order that orders the warrant to be recalled and the parolee to be reinstated on parole supervision shall be utilized in lieu of the form. This process shall remain the same for warrants issued either by the Board of Parole Hearings or the court.

Upon the discovery that a parolee with an active warrant has been arrested, or in instances where the parolee has been located and the unit supervisor has made the determination to cancel the warrant, the unit supervisor shall ensure that the completed JCC Form CR-302 is forwarded to the Notice Agent/Court Agent in accordance with local procedures to petition the court magistrate, for warrant cancellation. The JCC Form CR-302 shall be submitted in accordance with DOM Section 84030.3.1 through 84030.3.6, depending on the circumstances causing the need for cancellation of the warrant.

##### **84030.3.1 Cancellation Procedure – Parolee’s Arrest or Return to Supervision, No Absconding Charge**

- Following the parolee’s arrest, or if the parolee is brought back into compliance with the terms of parole supervision and the decision is made by the unit supervisor not to charge the parolee with absconding, the parole agent shall:
  - Complete the JCC Form CR-302, and under the heading of “Request for Recall of Warrant,” check the box that states, “The supervised person has been located and is currently in compliance with the terms of supervision.”
  - Check the box that states, “Other (specify),” and note the request to have the absconding charge dismissed.
  - Check the box that states, “The supervising agency also requests that supervision be reinstated.”

Note: In this circumstance, the time shall not be tolled and the charge shall be dismissed and removed from PVDTS.

##### **84030.3.2 Cancellation Procedure – Parolee Not Arrested, Continued on Parole with Time Told**

- Following the parolee’s being brought back into compliance with the terms of parole supervision and the decision by the unit supervisor to have parole supervision be reinstated with the time tolled, the parole agent shall:
  - Complete the JCC Form CR-302, and under the heading “Request for Recall of Warrant,” check the box that states, “The supervised person has been located and is currently in compliance with the terms of supervision.”
  - Check the box that states, “Other (specify),” and note the request to have the time tolled, including the date of suspend action and the date of reinstatement. Include, “The supervising agency declines to petition the court for a formal revocation because the supervising agency has determined that an intermediate sanction without court involvement is an appropriate response to the alleged violation.”
  - Check the box that states, “The supervising agency also requests that supervision be reinstated.”

##### **84030.3.3 Cancellation Procedure – Parolee Arrested, Continued on Parole with Time Told**

- Following the parolee’s arrest and the decision by the unit supervisor to have parole supervision be reinstated with the time tolled, the parole agent shall:

- Complete the JCC Form CR-302, and under the heading “Request for Recall of Warrant,” check the box that states: “The supervised person has been arrested. The supervising agency declines to petition the court for a formal revocation because the supervising agency has determined that an intermediate sanction without court involvement is an appropriate response to the alleged violation.”
- Check the box that states, “Other (specify),” and note the request to have the time tolled, including the date of suspend action and the date of arrest or reinstatement. Be sure to note “Release PC 3056/PC 3000.08 hold and release from custody.” Many jails will not release the parolee if this language is not included.
- Check the box that states, “The supervising agency also requests that supervision be reinstated.”

##### **84030.3.4 Cancellation Procedure – Parolee Arrested, Petition for Revocation or New Criminal Charges Filed**

- Following the parolee’s arrest, if the case is being deferred because the District Attorney has filed criminal charges or a motion to revoke parole, the parole agent shall:
  - Complete the JCC Form CR-302, and under the heading “Request for Recall of Warrant,” check the box that states, “Other (specify),” and note the request to have the time tolled, including the date of suspend action and date of arrest.
  - Check the box that states, “The supervising agency also requests that supervision be reinstated.”

##### **84030.3.5 Cancellation Procedure – Parolee Arrested in a County That Does Not Have Jurisdiction**

- Following the parolee’s arrest in a county that does not have jurisdiction to adjudicate the petition for revocation, and the parolee is being released from custody, the parole agent shall:
  - Conduct a case conference with the unit supervisor.
  - If it is determined during the case conference that remedial sanctions will be utilized, complete the JCC Form CR-302.
  - If it is determined during the case conference that an out-of-custody petition for revocation is to be filed, do not complete the JCC Form CR-302. The parole agent shall complete the revocation packet (see DOM Section 84010.3.2).

##### **84030.3.6 Exceptions for Not Submitting the Judicial Council of California Form CR-302**

- Following the parolee’s arrest and the decision by the unit supervisor to petition the court for parole revocation, the JCC Form CR-300, Petition for Revocation, shall be the document used to petition the court for revocation. The parole agent shall:
  - If the parolee is arrested in California, complete the JCC Form CR-300, Petition for Revocation, including all attachments, in accordance with DOM, Chapter 8, Article 26. The filing of the petition for revocation will cancel the warrant.
  - If the parolee is arrested out-of-state, once the offender is extradited to the county of supervision, complete JCC Form CR-300. The warrant must remain active while the parolee is out-of-state to function as the detainer for that parolee.

##### **84030.3.7 Warrant Cancellation Procedures Parole Agent**

- Access the case in PVDTS. If the case does not appear in the “Open” section, access the case in the PVDTS “Idle” section and select the reason for activating the case from the dropdown menu. Note that when a parolee at large is arrested for an absconding warrant, PVDTS will automatically activate the case and the case will appear in the “Open” section.
- Generate the JCC Form CR-302 within PVDTS utilizing the following steps:
  - Open the case in PVDTS.
  - Select the “Warrant Requests/Tracking” option.
  - Select the “Cancel” option for the warrant.
  - Complete the remaining fields as required in PVDTS.
- Submit the completed JCC Form CR-302 to the unit supervisor.

**Unit Supervisor**

- Review and, if appropriate, approve, sign, and forward the JCC Form CR-302 to the Notice Agent/Court Agent for submittal to the court magistrate.
- Ensure that the signed JCC Form CR-302 (or Minute Order to recall warrant) is scanned into PVDTS.
- Ensure that a copy of the JCC Form CR-302 signed by court magistrate is forwarded to the Warrant Unit and PCR via fax or electronic mail by the close of the next business day after the JCC Form 302 is signed by the court magistrate.

**84030.4 Warrant Requests for Parolees Arrested Out-of-State**

A parolee is considered to have absconded from parole supervision anytime he or she leaves California without permission or does not return to California on the date specified on a travel permit issued by DAPO. A California parole hold cannot be issued to arrest or detain a parolee until the court issues a warrant and orders the parolee returned to California for further court revocation proceedings.

When the parole agent becomes aware of a parolee meeting the above criteria, the parole agent shall:

- Complete the JCC Form CR-301, checking the "Other" box under the "Warrant Request" heading and noting "Out of State Detainer Request, Issue Code 2 Warrant as Detainer Only, Return to California for further proceedings."
- List the name of the arresting agency and the jail facility where the parolee is being held.
- Request the warrant through the appropriate process as described in this article.

Upon receipt of the signed JCC Form CR-301, the unit supervisor shall ensure that a copy of the form is scanned into PVDTS and faxed to the Extradition Unit.

**84030.5 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

**84030.6 References**

PC §§ 3000.08, 3057, and 3060.7.  
CCR (15) (2) § 2637(7).

**ARTICLE 29 — WARRANT UNIT CONTACT PROCEDURES**

*Revised December 18, 2018*

**84040.1 Policy**

The Warrant Unit shall respond to all law enforcement calls in the order in which they are received. The Administrative Officer of the Day (AOD) shall be provided with a dedicated direct line to facilitate contact with the Warrant Unit.

When other law enforcement agencies request contact with a specific parole agent, Warrant Unit staff shall contact the parole agent using contact information in the NEWAGENT 2000 database, which contains DAPO staff contact information and shall be the primary source of information for Warrant Unit staff (the CDCR Form 1220, Employee Information that is completed by the parole agent is not a reference document; the Warrant Unit will only extract information from the CDCR Form 1220 in order to update the NEW AGENT 2000 database). If the parole agent is not available, the Warrant Unit shall follow the procedures outlined in DOM Section 84040.5.

**84040.2 Parole Agent Responsibilities**

The parole agent shall ensure that his or her current contact information is provided to the unit supervisor by completing and submitting a CDCR Form 1220. Changes shall be reported to the unit supervisor no later than the start of the next business day. Mandatory information shall include a home phone number (if the employee has a home phone), State-issued cellular phone number (if applicable), state identification number, badge number, and any legal name changes. The parole agent may also provide a personal cellular phone number.

When a parole agent is contacted by the Warrant Unit outside of the parole agent's work hours, this shall be considered work.

Compensation for this time shall be governed by the Memorandum of Understanding for Bargaining Unit 6.

**84040.3 Unit Supervisor Responsibilities**

The unit supervisor shall verify the parole agent's contact information. The unit supervisor shall ensure the CDCR Form 1220 is complete and contains correct information. The unit supervisor shall send a copy of the completed form to the Warrant Unit via fax or electronic mail; the original shall be kept on file in the parole unit.

**84040.4 Administrative Officer of the Day Responsibilities**

- Be aware of his or her scheduled AOD assignment and ensure availability during that assignment.
- Notify the Warrant Unit, in writing, of any change of contact information or change to the regional AOD schedule.
- Answer all calls and respond to messages.
- Contact the Regional Parole Administrator, Deputy Director, or Director via the Warrant Unit if notified of a reportable incident.
- Submit a written synopsis of any action taken on the CDCR Form 1698, Administrative Officer of the Day Record of Contact and submit the form to the unit supervisor of the affected unit no later than the next working day.

**84040.5 Warrant Unit Staff Responsibilities**

- Upon receipt of a CDCR Form 1220, extract the information from the form and enter it into the NEW AGENT 2000 database.
- Upon receipt of a call from a law enforcement agency representative who is requesting contact with a parole agent, make every reasonable attempt to confirm the caller's identity. At no time shall a parole agent's contact information be provided.
- Attempt to contact the parole agent based on the contact information in the NEWAGENT 2000 database.
- If the parole agent is not available, the following persons shall be contacted in the order provided and in accordance with the procedures established below:
  1. Parole Agent II, Supervisor.
  2. Unit supervisor.
  3. AOD.
  4. District Administrator.
  5. Regional Parole Administrator.
- Attempt to contact the parole agent, unit supervisor, and AOD twice prior to contacting the District Administrator or Regional Parole Administrator. If unable to contact the AOD, and the AOD fails to respond within 15 minutes to any messages left by Warrant Unit staff, attempt again to contact the Parole Agent II, Supervisor, then the unit supervisor, and then AOD.
- If unable to contact the Parole Agent II, Supervisor, the unit supervisor, or AOD after the second attempt, wait 15 minutes and then contact the District Administrator. If unable to contact the District Administrator, contact the Regional Parole Administrator.
- Record contacts with and attempts to contact the AOD on the AOD Contact Log maintained in the Warrant Unit.

**84040.6 Warrant Unit Contact Information**

The Warrant Unit is primarily contacted by telephone first. The primary contact number is (916) 324-2891. The secondary contact number is (916) 358-4345.

**84040.7 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

**84040.8 References**

PC §§ 1168, 1170, 2962, 3000.08, 3056, 3057, 5054, and 5058.

**ARTICLE 30 — WITNESSES**

*Revised December 18, 2018*

**84050.1 Policy**

As a result of the 2011 Public Safety Realignment, as defined in Assembly Bill 109 and subsequent related legislation, the authority for the parole revocation and warrant process shifted from the Board of Parole Hearings to the superior court

within each of the 58 counties in the State of California. The shift also included the responsibility for determining and locating witnesses.

#### **84050.2 Purpose**

The purpose of this article is to identify and protect the privacy of the witnesses and/or victims who may present facts about the alleged parole violation(s) during the revocation and warrant process.

#### **84050.3 Definitions**

##### **Confidential Witness**

An informant whose identity is unknown to the parolee and who could be subject to harm if the person's identity were known.

##### **Fearful Witness**

A person who has given adverse information about the parolee and is unwilling to testify due to fear of repercussions.

##### **Minor/Juvenile**

A person who is under 18 years of age.

##### **Victim**

A person who was harmed, injured, or killed as a result of a crime, accident, or other event or action.

##### **Witness**

A person whose expected testimony supports the violation charged. The primary witness (victim, on-the-scene police officer, complainant, etc.) should be present at the revocation hearing.

#### **84050.4 Privacy and Removal of Victim or Witness Information**

The CDCR Form 1676, Parole Violation Report shall be completed by the parole agent and included in the revocation packet in accordance with DOM Section 84010.3.2.

When completing CDCR Form 1676, the parole agent shall ensure that every fearful, confidential, or minor/juvenile witness and/or victim is not represented by name but is instead referred to as "witness 1 and/or victim 1" and so on in order to protect the identity of the witness and/or victim.

#### **84050.5 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

#### **84050.6 References**

Assembly Bill 109 (Committee on Budget, 2011).  
PC §§ 136.1, 679, and 1326.

### **ARTICLE 31 — RESERVED**

### **ARTICLE 32 — REMEDIAL SANCTIONS AND PROGRAM REFERRALS**

*Revised December 18, 2018*

#### **84070.1 Remedial Sanction Policy**

When parole violations occur, alternatives to revocation and incarceration shall be considered and used to the extent that public safety allows. Remedial sanctions shall not be used to address violations that require the filing of a petition for revocation.

Remedial sanctions shall include a referral to a residential or outpatient treatment program that addresses the behavior that necessitated the remedial sanctions, reinforces pro-social activity, and addresses the offender's criminogenic needs. Criminogenic needs shall be addressed as a means of early intervention to assist in the prevention of further violations of supervision conditions and as an alternative to filing a petition for revocation. DAPO staff may also require an offender to perform community service as a remedial sanction. DAPO staff shall identify the most suitable program for each offender based on the offender's criminogenic needs and/or the circumstances of the violation. The use of a State-sponsored program shall be considered when determining appropriate program placement. However, this should not preclude the parolee from participating in a non-State sponsored program. Any use of a non-State sponsored program shall be justified pursuant to DOM Section 84070.2.

DAPO staff shall utilize PVDTS for both violation-based and non-violation-based referrals to programs. PVDTS will automatically generate the CDCR Form 1502, Activity Report for referring an offender to a program. For State-sponsored programs, PVDTS will

automatically send the form via electronic mail. Parole unit support staff shall also provide the offender's Re-Entry Assessment upon request by the program to which the offender was referred.

When permitted by law, absconders who have not committed any new crimes and who do not pose an undue public safety risk may be continued on parole and remain under supervision in the community.

#### **84070.1.1 Violations Requiring Filing of a Revocation Petition**

- All parolees who are facing parole revocation proceedings that were initiated prior to
- July 1, 2013, i.e., who have parole hold/discovery dates prior to July 1, 2013.
- Any revocation proceedings that were conducted by the Board of Parole Hearings prior to July 1, 2013, or that were reopened on or after July 1, 2013.
- A parolee who is required to register pursuant to Penal Code (PC) Section 290 who fails to report to DAPO within one working day of release, or who fails to report upon release as otherwise instructed, and there is no evidence that the parolee's failure to report as instructed was caused by a medical or psychiatric emergency.
- A parolee who is required to register pursuant to PC Section 290 who removes, disables, renders inoperable, or knowingly circumvents the operation of, or permits another to remove, disable, render inoperable, or knowingly circumvent the operation of an electronic, Global Positioning System (GPS), or other monitoring device that is affixed to his or her person as a condition of parole when he or she knows that the device was affixed as a condition of parole. This shall not be a violation if the removal, disabling, rendering inoperable, or circumvention of the electronic, GPS, or other monitoring device is performed by a physician, emergency medical services technician, or by any other emergency response or medical personnel when doing so is necessary in the course of providing medical treatment to the person subject to the electronic, GPS, or other monitoring device.

#### **84070.2 Remedial Sanction Referral Procedures**

Within PVDTS, State-sponsored programs will be highlighted in yellow on the CDCR Form 1500, Parole Violation Decision Making Instrument. PVDTS will automatically enter the program name and location in the "Referral Comments" section if a State-sponsored program is selected. If a non-State-sponsored program is selected, the parole agent shall enter the program name and address in the "Referral Comments" section. PVDTS will automatically generate a CDCR Form 1502, Activity Report and forward it to the program.

After a violation of a supervision condition has been discovered and the unit supervisor makes the decision to have the parolee Continue on Parole (COP) and to utilize a remedial sanction, the following lines of responsibility shall apply:

##### **Parole Agent**

- Initiate the case in PVDTS as a "No Hold/COP Remedial."
- Complete the CDCR Form 1500 and the program referral screens within PVDTS.
- After the CDCR Form 1500 is approved by the unit supervisor, track and record the offender's progress and final outcome in the PVDTS "Sanction/Referral" section. Record the criminogenic need being addressed, start date, actual start date, expected end date, actual end date, status, new report date, and other required information in the "Sanction/Referral" section and subsequent screens for managing referrals.

##### **Unit Supervisor**

- Complete the supervisor's sections of the CDCR Form 1500 and the program referral screens within PVDTS.
- If a non-State-sponsored program is chosen, the unit supervisor shall select a reason from the dropdown menu in the unit supervisor's section of the "Sanction/Referral" screen.
- Ensure that the information in the "Sanction/Referral" screen and subsequent screens is up-to-date.

#### **84070.2.1 Exceptions for Remedial Sanction Referrals into Non-State-Sponsored Programs**

If a non-State-sponsored program is selected, the same procedures described in DOM Section 84070.2 shall be followed, with the following exceptions:

- The unit supervisor shall specify the program name and location in PVDTS.
- PVDTS will still automatically generate a CDCR Form 1502; however, the unit supervisor shall manually enter the electronic mailing address for the program in order for the program to receive the CDCR Form 1502 as the referral.

**84070.3 Court-Ordered Remedial Sanction Referrals**

A court may also address a petition for revocation with a remedial sanction. Upon receipt of a court-ordered remedial sanction, the following lines of responsibility shall apply:

**Notice Agent/Court Agent**

- Record the case disposition within the “Final Case Disposition” section of PVDTS, complete all required fields, and select “Return to Parole.”
- If applicable, under the “Modifications” field, select “Other Evidence Based Program” or “Special Instructions.”

**Unit Supervisor**

- Review the court order and any special instructions.
- Ensure that the parole agent is informed of the court order and determine the appropriate program referral.
- Generate the program referral in PVDTS.
- Ensure that the information in the “Sanction/Referral” screen and subsequent screens is up-to-date.

**Parole Agent**

- Enforce the court order.
- Record the offender’s progress and the final outcome in the PVDTS “Sanction/Referral” section. Record the criminogenic need being addressed, start date, actual start date, expected end date, actual end date, status, new report date, and other required information in the “Sanction/Referral” section and subsequent screens for managing referrals.

**84070.4 Program Referrals for Non-Parole Violations**

All offenders are eligible to participate in either State-sponsored or non-State-sponsored programs based on their individual criminogenic needs at any time within their parole or supervision terms, even if violations of their supervision conditions have not occurred. When an offender is referred to a program for a reason other than a remedial sanction, the parole agent shall initiate a case in PVDTS using the “Non-Violation Program Referral” case type. The parole agent shall record and update information about the program referral in the PVDTS “Sanction/Referral” screen and subsequent screens in the same manner as a remedial sanction. The unit supervisor shall ensure that the information in the “Sanction/Referral” screen and subsequent screens is up to date.

**84070.4.1 Sex Offender Treatment Referrals**

PVDTS will automatically load offenders who are required to attend Sex Offender Treatment onto the “SO Referrals” screen 120 days prior to their parole dates. No sooner than an offender’s parole date and no later than five business days after the parole date, the parolee shall be referred to sex offender treatment.

**Parole Agent**

The parole agent shall compile the Sex Offender Treatment referral packet in PVDTS as follows:

- Complete the referral.
- Select the Sex Offender Treatment provider and upload the Face Sheet (see DOM Section 81090.7.2), conditions of parole, any addendums to the conditions of parole, and the cumulative summary to the referral packet pursuant to DOM Section 81022.20
- Upon the unit supervisor’s approval track and record the parolee’s status, including the report date, actual start date, expected end date, actual end date, and other required information, in the “SO Referral” section and subsequent screens for managing Sex Offender Treatment referrals.
- Document and update any treatment provider changes, in the referral status by entering the end date of the previous treatment provider and manually initiating a referral to the new provider.
- Manually initiate a referral for an offender who has been ordered directly to parole by a sentencing court, also referred to as a “court walkover/direct release.”

PVDTS will automatically enter the treatment provider’s address and contact information in the “Referral Comments” section. PVDTS will

automatically generate the CDCR Form 1502 and will forward the referral to the unit supervisor for review.

**Unit Supervisor**

The unit supervisor shall review the referral packet, in PVDTS:

- If the unit supervisor approves the referral, the referral packet will be automatically forwarded to the provider.
- If the unit supervisor does not approve the referral, the unit supervisor shall send the referral back to the parole agent for necessary corrections; once these corrections are made, the parole agent shall resubmit the referral to the unit supervisor for review.

**84070.5 Americans with Disabilities Act Accommodations Policy for Remedial Sanctions**

CDCR shall provide reasonable accommodations or modifications for the known physical, developmental, or mental disabilities of qualified offenders. No qualified offenders with disabilities as defined in United States Code, Title 42, Sections 12101 through 12213 shall, because of those disabilities, be excluded from equal and effective participation, to the best of their abilities, in any CDCR programs. All State-sponsored programs shall provide reasonable accommodations in accordance with the Americans with Disabilities Act, *Armstrong v. Brown*, and the *Armstrong Remedial Plan*. Examples of reasonable accommodations include special equipment (such as sound readers, sound amplification devices, or Braille materials), bilingual or qualified sign language interpreters, modified work or program schedules, or grab bars installed to improve the mobility of impaired offenders who require assistance.

**84070.6 Adult Programs Unit Parole Agent II Responsibilities**

The Adult Programs Unit (APU) Parole Agent II shall assist the parole agent and unit supervisor in verifying the report date, participation, and program departure date of the offender. The APU Parole Agent II shall also assist parole units by providing information to parole unit staff about new State-sponsored programs and State-sponsored programs that may be located near, though not in the same county as, the parole unit.

**84070.7 Revisions**

The DAPO Director or designee shall ensure that this article is accurate and current.

**84070.8 References**

ACA Standard 4-APPFS-2F-01.

Americans with Disabilities Act of 1990.

*Armstrong v. Brown Court Ordered Remedial Plan II*, dated December 1, 2010.

*Armstrong v. Brown*, U.S.D.C. (N.D. Cal.), Case No. C 94-2307 CW; 2012 WL 1222928.

Government Code § 71622.5.

PC §§ 290 and 3000.08(d).

United States Code, Title 42 §§ 12101 through 12213.

**ARTICLE 33 — RESERVED****ARTICLE 34 — MENTALLY DISORDERED OFFENDERS COMMITMENT AND****TRANSPORTATION**

*Revised March 6, 2017*

**84090.1 Policy**

California Penal Code (PC) section 2962 requires that specific convicted felons who are severely mentally disordered be provided psychiatric treatment by the Department of State Hospitals (DSH) as a special condition of parole. Continued treatment may be required upon termination of parole.

**84090.2 Purpose**

The purpose of this Article is to provide California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) staff with procedures for the Mentally Disordered Offender (MDO) commitment process and transportation.

**84090.3 Responsibility**

DAPO Regional Parole Administrators shall ensure that all MDO parolees are supervised by parole agents assigned to cover DSH facilities. This shall include MDO parolees in DSH inpatient and outpatient treatment facilities.

#### 84090.4 Mentally Disordered Offenders Commitment

A parolee shall receive inpatient treatment, in a DSH facility, as a special condition of parole if all of the following criteria are met:

- The offender has a severe mental disorder as defined in PC 2962 which is not in remission or cannot be kept in remission without treatment;
- The severe mental disorder was a cause or an aggravating factor in the commission of a crime for which the offender was sentenced to prison;
- The offender has been in treatment for a severe mental disorder for 90 days or more within the year prior to release;
- A DSH psychiatrist or psychologist in charge of treating the offender and a CDCR, Division of Health Care Services (DHCS), Chief Psychiatrist has certified on DHCS Form JC8000, Certification of Mentally Disordered Offender to the Board of Parole Hearings (BPH) that the offender meets the all of the above-listed criteria, and that by reason of his or her severe mental disorder the prisoner represents a substantial danger of physical harm to others; and
- The crime for which the offender was sentenced to prison was a Determinate Sentence pursuant to PC 1170 and the offense falls under PC 2962(e)(2).

If BPH determines the inmate meets certification criteria as an MDO, it will complete BPH Form 1400, Certification Review, and order treatment provided by DSH as a special condition of parole. The inmate shall be served with the special condition of parole, informed in writing of the right to a Certification Hearing, and informed of the right to request an evaluation by two independent professionals, as defined in PC 2978, pursuant to California Code of Regulations 2576(b)(5).

##### Inpatient Psychiatric Treatment Ordered

If psychiatric treatment is ordered by BPH as a special condition of parole, the inmate shall undergo mental health treatment in a DSH facility. If applicable, the inmate shall be processed by the Division of Adult Institutions (DAI) for transfer to a designated DSH facility on or before the earliest possible release date.

##### MDO Packets and Hearing Packets consist of the following items:

- BPH Form 1400.
- Current medication orders and medical conditions.
- Medical and psychiatric history.
- All MDO evaluations.
- Legal Status Summary (LSS).
- Any probation officer reports or police officer reports.
- Abstract of Judgment (AOJ).
- Chronological history.
- Listing of all CDCR reports of rule violations.
- Notice of detainer, if transferred to a DSH facility prior to release to DAPO.
- Notice of right to certification hearing.
- CDCR Form 1515, Notice of Conditions of Parole.
- BPH Form 1073, Notice and Request for Assistance at Parole Proceeding.
- Case factor sheet for DSH placement consideration.
- Static-99R Assessment for Parolees Required to Register per PC 290.
- Independent evaluation reports, if applicable (included in Hearing Packet).
- DHCS Form JC8000 (included in Hearing Packet).

##### BPH Hearings:

###### Certification Hearing

The initial hearing, held upon the parolee's request, to determine if the parolee statutorily qualifies for MDO placement and inpatient treatment as a special condition of parole. If the parolee disagrees with the Certification Hearing results, the parolee has a right to file a petition in a court with appropriate jurisdiction. BPH shall provide the parolee

with a petition form and instructions for filing the petition pursuant to PC 2966(a). If the Certification Hearing results in a decision that PC 2962 criteria is not met, the parolee shall parole to DAPO for supervision upon release from a DSH facility.

###### Annual Hearing

The Annual Hearing to determine whether the parolee continues to qualify for MDO placement and treatment. If the parolee disagrees with the Annual Hearing results, the parolee has a right to file a petition in a court with appropriate jurisdiction. BPH shall provide the parolee with a petition form and instructions for filing the petition pursuant to PC 2966(a).

###### Placement Hearing

A separate hearing, held upon an MDO parolee's request, to determine whether outpatient treatment, rather than inpatient treatment, is appropriate.

This hearing is separate from the previously mentioned Certification and Annual Hearings and may occur any time after an MDO parolee has been in a DSH facility over 60 days.

At all hearings the following persons must be present:

- Parolee/inmate, unless appearance is waived.
- BPH administrative law judge/deputy commissioner.
- Parole agent assigned to the MDO Unit .
- Attorney of parolee/inmate.
- Interpreter, if required.
- DSH police officer or jail custody staff.
- Escort staff.
- Any other person required by the parolee's attorney and approved by the BPH administrative law judge/deputy commissioner.

##### Outpatient Psychiatric Treatment Status

If BPH conducts a placement hearing and orders an MDO parolee treated on an outpatient basis, the parolee may be placed at an outpatient facility in the community.

If DSH determines that there is reasonable cause to believe an MDO parolee is able to be safely and effectively treated on an outpatient basis, the parolee may be placed by DSH at an outpatient facility in the community.

MDO parolees placed in outpatient treatment in the community will be provided Annual Hearings at State parole offices.

In the event BPH or DSH determines that an MDO parolee is to be placed at an outpatient facility, the MDO parole unit shall contact DAPO's Regional Re-Entry Unit to determine the parolee's county of parole no less than 45 days before the parolee is released to the outpatient facility. Upon the MDO parolee's arrival to the outpatient facility, the MDO parole unit shall transfer supervision of the case to the parole unit responsible for MDO parolees in the geographical area where the outpatient facility is located. DSH shall coordinate all outpatient planning with DAPO and the Forensic Conditional Release Program (CONREP), in accordance with Welfare and Institutions Code Section 4360(a) and (b). The sole psychiatric treatment provider for an MDO parolee shall be DSH or a provider authorized by DSH. DAPO may still require an MDO parolee be evaluated by the Parole Outpatient Clinic (POC), aside from the ongoing treatment, in order to carry out mandated parole functions.

Certification for mental health treatment does not alter DAPO's violation and other reporting requirements (including discharge review), regardless of whether an MDO parolee is on inpatient or outpatient treatment status. Additionally, if DSH determines that an MDO parolee is no longer able to be safely and effectively treated on an outpatient status, the parolee shall be placed in a secure mental health facility pursuant to PC 2964.

##### State Parole Unit/County Jail MDO Hearing

MDO parolees placed in outpatient treatment in the community will be provided with an Annual Hearing at the local parole unit. MDO parolees in local custody will be provided with Certification Hearings and Annual Hearings at local jail facilities. DAPO parole agents will serve the MDO parolee/inmate a BPH Form 1410, Notice of Mentally Disordered Offender Rights and Acknowledgement and BPH Form 1073. DAPO parole agents will serve as security during these hearings. DAPO parole agents will also provide a hard copy of the Hearing Packet to the BPH Deputy Commissioner at the Hearing location. DAPO parole agents will provide a copy of the Hearing decision to the MDO parolee/inmate.



#### **84090.5 Mentally Disordered Offenders Commitment Procedures**

##### **DHCS**

Upon receipt of MDO evaluation reports from CDCR and DSH that an inmate meets MDO criteria, DHCS ensures:

- MDO evaluation reports are routed to the chief psychiatrist.
- Chief psychiatrist reviews the MDO evaluation reports to determine if MDO criteria are met.
- Chief psychiatrist certifies that the inmate meets MDO criteria on the DHCS Form JC8000.
- DHCS Form JC8000 is routed to BPH.
- MDO evaluation reports, LSS, AOJ and description of the MDO qualifying offense are forwarded to BPH, DSH, and DAPO prior to the inmate's release, if the DHCS's chief psychiatrist determines that the inmate meets MDO criteria. (Referral time-frames and contingencies shall be made in accordance with the current MDO Memorandum of Understanding (MOU) between BPH, CDCR, and DSH).
- Chief psychiatrist provides testimony at the MDO Certification Hearing.

##### **BPH**

Upon receipt of the DHCS Form JC8000, MDO evaluation, LSS, AOJ, and description of the MDO qualifying offense, BPH:

- Reviews the MDO evaluation reports prepared by CDCR and DSH.
- Orders independent evaluations as appropriate.
- Issues BPH Form 1400.
- Distributes BPH Form 1400 to DHCS, DAI, DAPO and DSH prior to the inmate's release. (Referral time-frames and contingencies shall be made in accordance with the current MDO MOU between BPH, CDCR, and DSH).
- Coordinates the scheduling of MDO hearings.
- Presides over MDO hearings pursuant to PC 2962.

##### **DAI — Classification and Parole Representative**

Upon receipt of a BPH Form 1400, which indicates the inmate meets the MDO criteria, DAI notifies the inmate of his or her rights and completes the following forms and tasks:

- BPH Form 1410.
- CDCR Form 1515.
- BPH Form 1073.
- BPH Form 1420, Mentally Disordered Offender Hearing Information.
- Department of Mental Health Form, Placement Screening Sheet.
- Enters BPH Form 1073 into the Disability and Effective Communication System.
- Arranges for transfer of the inmate to DSH.
- Forwards forms to DSH, BPH, and DAPO prior to the inmate's release. (Referral time-frames and contingencies shall be made in accordance with the current MDO MOU between BPH, CDCR, and DSH).

##### **DAPO**

Upon receipt of a BPH Form 1400 and an MDO/Hearing packet, the documents shall be sent to the appropriate MDO parole unit.

##### **Unit Supervisor or Assistant Unit Supervisor (MDO Parole Unit)**

Upon receipt, the Unit Supervisor or Assistant Unit Supervisor shall:

- Log receipt of MDO packet.
- Review MDO packet.
- Check MDO case in the Strategic Offender Management System for parole date/revocation release date.
- Confirm the inmate's arrival at a DSH facility under MDO status.
- Request the parole field file from the assigned parole unit of record.

- Assign the MDO parolee case to a parole agent in the MDO parole unit or forward the MDO parolee case to the parole agent assigned to cover the DSH facility.
- Each month identify parolees who need to be served Certification, Placement, or Annual Hearing notices.
- Each month ensure that Parole Case Records (PCR) receives a list of new arrivals.

##### **Parole Agent (MDO Parole Unit)**

The Parole Agent shall:

- Review MDO packet.
- Review/audit Electronic Records Management System (ERMS).
- Utilize BPH Information Technology System (BITS) to identify and complete cases requiring notification.
- Utilize BITS to complete BPH Form 1080, Hearing Notice and BPH Form 1073, in Certification, Placement and during Annual Hearings as required. Provide the MDO parolee with a copy of these forms.
- Serves MDO parolee with BPH Form 1410, BPH Form 1420, and BPH Form 1073 for Certification Hearings as soon as possible, if not previously served and prior to all placement and annual hearings.
- Assist MDO parolee with completing BPH Form 1410, BPH Form 1420, and BPH Form 1073, if needed.
- Enter BPH Form 1073 into the Disability and Effective Communication System.
- Review the BPH tab in ERMS for any additional MDO documents.
- Attend Certification, Placement, and Annual Hearings and provide security at all MDO hearings.
- Provide a hard copy of MDO hearing packet to Deputy Commissioner.
- Serves as security during MDO hearings held at the local parole unit and the local county jail.
- Upon completion of MDO hearing, provide a copy of BPH Form 1415, Summary of Mentally Disordered Offender Hearing and Decision, to the parolee and to PCR for inclusion in ERMS.
- Notify unit supervisor of hearing results.
- Advise the regional re-entry coordinator of hearing results if the parolee is not certified for inpatient treatment to confirm assigned parole unit.
- Serve MDO parolee with new conditions of parole, if needed.
- Submit a request for release funds, if not previously issued.
- Provide supervision of MDO parolees.
- Assist with the coordination of release from a DSH facility to the assigned parole unit.

##### **Department of State Hospitals**

DSH shall notify DAPO as soon as possible, no later than 72 hours after discovery, of any violation of any condition of parole committed by an MDO parolee. In the event an MDO parolee escapes or is Absent Without Leave (AWOL) from a DSH facility, the individual designated by the DSH facility medical director shall immediately notify the CDCR Warrant Unit of the escape or AWOL by telephone. The Warrant Unit is responsible for notifying the appropriate CDCR staff. The DSH facility may also directly contact any CDCR staff after notification to the Warrant Unit.

##### **Parole Case Records**

PCR shall notify DSH, as soon as possible, of any change to an MDO parolee's Controlling Discharge Date (CDD) to enable DSH to meet the time frames specified in PC 2970 for continuation of treatment beyond the CDD.

##### **84090.6 Decertification**

If BPH or a court with appropriate jurisdiction issues an order changing the certified MDO parolee's special conditions of parole to no longer require treatment through DSH as an MDO parolee, then the following shall occur:

- DSH shall coordinate the discharge from the DSH facility and release to DAPO.
- DSH shall provide a discharge summary to POC in the appropriate parole region no less than two working days prior to the parolee's release.
- DAPO shall take custody of the parolee and arrange transportation from the DSH facility to the assigned parole unit.

**84090.7 Criminal Charges**

If an MDO parolee is charged with new criminal acts that result in detention, the parolee shall be transferred to the law enforcement agency that detained the parolee. DSH shall notify DAPO and BPH of an MDO parolee's custodial transfer. DAPO shall address the criminal behavior in accordance with DAPO's current parole violation process.

**84090.8 Transportation**

Upon notification that an MDO parolee is to be released from a DSH facility, DAPO shall ensure arrangements are made to transport the parolee from the DSH facility to the assigned parole unit. Unless other arrangements can be made, and approved by the unit supervisor, all MDO parolees released from a DSH facility shall be picked up and transported to the assigned parole unit by DAPO staff.

**DSH Release Procedure**

When an MDO parolee is scheduled for release, the parole agent who covers the DSH facility will notify the assigned parole unit supervisor of the pending release date. Upon confirmation from the assigned parole unit of a pick-up date, the parole agent who covers the DSH facility shall complete the appropriate paperwork and transfer the parole field file to the assigned parole unit via overnight mail. The parole agent who covers the DSH facility shall continue to assist the assigned parole unit with the coordination of the parolee's release and pick-up until the parolee has left the DSH facility.

**Unit Supervisor (Assigned Parole Unit)**

Upon receipt of information that a parolee will be released from a DSH facility, the unit supervisor shall assign the case to a parole agent. The unit supervisor shall ensure the assigned parole agent contacts the parole agent covering the DSH facility in order to facilitate the transportation of the parolee. In the event the assigned parole agent is not available to facilitate the transport, the unit supervisor shall assign another parole agent to this task.

**Parole Agent (Assigned Parole Unit)**

Following notification that a parolee will be released, the assigned parole agent shall make arrangements to pick the parolee up from the DSH facility. This shall include ensuring the parolee is released with sufficient medications and, if available, release funds. The assigned parole agent shall also request any information that may be available relative to the parolee's housing needs/plans, medical/mental health issues, and any other related information. The assigned parole agent shall then advise the parole agent covering the DSH facility of the date and the anticipated time of pick-up.

**84090.9 Transfers**

An MDO parolee being released from a DSH inpatient facility may be transferred to a county other than the county of last legal residence (CLLR) pursuant to PC 3003(b)(5) for the purpose of receiving treatment in an outpatient treatment program that is not available in the CLLR. The out-of-county placement will be on a short-term basis and in conjunction with the parolee's Individual Treatment Plan as developed by DSH CONREP. Parole supervision shall be transferred to the parole agent designated to cover the outpatient treatment facility. Upon the parolee's completion of outpatient treatment, the parole unit in the CLLR shall assume supervision.

An MDO parolee may be transferred between inpatient treatment facilities as determined by DSH. Parole supervision shall be transferred to the parole agent covering the DSH facility.

**84090.10 Release of Discharged Parolees from DSH**

Under circumstances where the parolee is discharged from active supervision, the Agent of Record (AOR) shall work collaboratively with DSH staff to ensure:

- Transportation and housing needs are addressed to include providing DSH staff with relevant information that may be available from the AOR to enhance the final placement plan into the community.
- All applicable law enforcement notifications are made pursuant to the PC and Health and Safety Code.
- Effective communication, in accordance with the American Disability Act, is utilized to provide final release instructions and expectations to the discharged parolee upon his or her release from the DSH facility.

**84090.11 Revisions**

The DAPO Director or designee shall ensure that this article is current and accurate.

**84090.12 References**

PC §§ 1170, 2684, 2960 – 2980, and 3003.

WIC § 4360

**ARTICLE 35 — SUPERVISOR RESPONSIBILITIES**

*Revised February 15, 2018*

**85010.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) that all work produced by unit staff is subject to supervisory review.

**85010.2 Purpose**

The purpose of this section is to specify the role, functions, and responsibilities of the unit supervisor and Parole Agent II (Supervisor).

**85010.3 Definitions****Parole Field File**

A file maintained by a parole unit office containing pertinent information regarding a parolee's criminal history, current commitment offense, and adjustment to parole.

**Parole Administrator**

The Department's administrator of a DAPO headquarters unit, district, program or geographic location.

**Parole Agent**

A departmental peace officer employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

**Parole Agent II (Supervisor)**

A first line supervisor of case-carrying Parole Agent Is.

**Parolee**

An offender released from confinement in State prison to supervision in the community.

**Regional Parole Administrator**

The Department's administrator of a DAPO region.

**Unit Supervisor**

A Parole Agent III and a supervisor of case-carrying parole agents and ancillary staff in a DAPO parole unit.

**85010.4 Features**

The supervisor of a parole unit is one of the most critical and influential persons within DAPO. An effective supervisor:

- Ensures that parole agents accomplish the mission of community protection and the arrangement of casework services.
- Assists agents in developing the knowledge and skills needed to be effective in supervising parolees.

The effectiveness is measured by the work the agents produce and how well the parole mission of reintegrating parolees back into society is accomplished.

All work is subject to supervisory review.

**85010.5 Responsibilities****Unit Supervisor**

Unit supervisors are responsible for all administrative duties associated with the management and operation of the parole unit, the supervision of ancillary staff, and the supervision of all parole agents within the parole unit. Unit supervisors are responsible for ensuring that staff comply with and adhere to all regulations, policies, and directives.

Unit supervisors are responsible for monitoring the quantity and quality of the work of parole agents and ancillary staff under their supervision and are expected to take appropriate actions when necessary to ensure that work conforms to DAPO policy and procedures.

In the absence of the unit supervisor, the Parole Agent II (Supervisor) will assume all associated duties and responsibilities of the unit supervisor.

Responsibilities that shall not be delegated below the level of a unit supervisor are:

- Employee grievances.

These responsibilities may be assumed by a Parole Administrator or another unit supervisor in the event of the unit supervisor's extended absence.

#### **Parole Agent II (Supervisor)**

Parole Agent IIs (Supervisor) are the first line supervisors of Parole Agent Is assigned to a parole unit within DAPO. The Parole Agent II (Supervisor) shall work in conjunction with the unit supervisor. The primary functions of the Parole Agent II (Supervisor) in a parole unit are to train, monitor, and provide accountability for Parole Agent Is.

Parole Agent IIs (Supervisor) will monitor field activities and all aspects of parole supervision of Parole Agents Is on a consistent basis including, but not limited to, the following:

- Home visits.
- Employment visits.
- Rehabilitative program visits.
- Field arrests.
- Officer safety awareness.
- Motivational interviewing
- Collateral contact efforts.
- Urinalysis collections.
- Report writing and documentation.
- Caseload management.

The Parole Agent II (Supervisor) shall document the Parole Agent I's performance for an annual or probationary appraisal. It is the responsibility of the unit supervisor and Parole Agent II (Supervisor) to track the due dates of these appraisals, ensuring the appraisals are completed and submitted in a timely manner. In the absence of the unit supervisor, the Parole Agent II (Supervisor) shall prepare and submit the annual or probationary appraisal.

The Parole Agent IIs (Supervisor) shall also be responsible for initiating disciplinary actions as needed to include documenting performance deficiencies or other corrective action.

The Parole Agent II (Supervisor) will assist the unit supervisor as needed in all administrative duties to include, but not limited to, the supervision and operations of the parole unit, the supervision of ancillary staff, and the management of the parole unit along with any associated functions to ensure compliance with and adherence to regulations, policies, and directives of the Department.

The Parole Agent II (Supervisor) shall be assigned 75 percent of their duties as supervisory and 25 percent of their duties shall be associated with carrying a caseload. The caseload shall be proportionate to the equitable breakdown of cases by category being supervised within the parole unit. Under no circumstances shall a Parole Agent II (Supervisor) be assigned a number of cases in any one category that are disproportionate to such assignments for the other Parole Agent Is in the parole unit. If the unit supervisor is absent for two weeks or longer, the Parole Agent II's (Supervisor) caseload may be transferred to the other Parole Agent Is in the parole unit at the direction of the parole district's Parole Administrator.

Parole Agent IIs (Supervisor) shall be responsible for the supervision of field operations in their jurisdiction including field arrests, parolee residential searches, and organized law enforcement operations. If the Parole Agent II (Supervisor) is unavailable, the unit supervisor or designee shall assume field supervision duties. The Parole Agent II (Supervisor) shall:

- Provide on-scene supervision for tactical operations and coordinate with local law enforcement.
- Ensure a field operational plan is completed and approved, if necessary, pursuant to current DAPO policy.

#### **85010.6 Electronic Control Device**

The Parole Agent II (Supervisor) and unit supervisor assigned to a parole unit may be authorized to carry an Electronic Control Device (ECD), also known as a Taser, after successfully completing training on such a device in accordance with the manufacturer's training criteria. Once certified and issued, the Parole Agent II (Supervisor) or unit supervisor shall carry the ECD for all planned field arrests, which may lower the risk of injury to both staff and parolees if the use of

force becomes necessary. All procedures for the ECD are outlined in the CDCR Restricted Department Operations Manual, Chapter 5, Section 55055.

#### **85010.7 Training**

##### **On-The-Job Training**

The Parole Agent II (Supervisor), in conjunction with the unit supervisor, shall serve as the lead trainer responsible for on-the-job training of Parole Agent Is, including but not limited to:

- Training related to regulations, policies, and directives of the Department.
- Remedial training as it relates to casework or field operations.
- Report writing and documentation.
- Officer safety issues and field operations, including field arrests.
- Hand-held radio operations.
- Parolee supervision techniques, including all aspects of the California Parole Supervision Reintegration Model, the Sex Offender Management Program, and any other caseload specific work.

The Parole Agent II (Supervisor) shall also ensure that Parole Agent Is maintain compliance with quarterly/annual training, and that the Parole Agent Is have their required safety equipment and other standard issued equipment.

##### **Office Arrest Training**

The unit supervisor shall ensure that training regarding arrest procedures is provided to all parole agents. The unit supervisor shall ensure that a plan for anticipated arrests made in the office is formulated. The unit supervisor shall be present during all planned arrests made in the office. All staff present in the office, including ancillary staff, shall be advised of any anticipated arrest to be performed in the office. In the absence of the unit supervisor, the Parole Agent II (Supervisor) shall carry out office arrest procedures.

#### **85010.8 Employee Probationary Appraisal**

A report of the probationary employee's performance shall be completed on STD Form 636, Report of Performance for Probationary Employee, and given to the employee at sufficiently frequent intervals, in compliance with the employee's Bargaining Unit (BU) Memorandum of Understanding (MOU), to keep the employee adequately informed of progress on the job. Each report shall cover the period since the previous report.

While in the process of completing a probationary report, the employee's supervisor shall personally meet with the employee to review the report and any notes, documents, or audits utilized in preparing the report. In the event that improvement is needed, a corrective action plan will be developed, outlining specific deficiencies and expectations for progress.

The supervisor shall set goals and timelines relative to the measurement of improved future performance. A written copy of the corrective action plan shall be provided to the employee. Employees who correct their performance to a satisfactory level during the rating period shall receive a standard or better rating. If the employee is rejected during the probationary period, a final report may be filed for the period not covered by previous reports.

A written notice of rejection shall be served prior to the conclusion of the prescribed probationary period. The report shall be treated as a confidential document.

#### **85010.9 Employee Probationary Appraisal Procedures**

##### **Unit Supervisor and Parole Agent II (Supervisor) (Within ten days after the end of each reviewing interval of the probationary period)**

- Prepares probationary performance report.
- Discusses report with employee.

##### **Before report is filed**

- Provides employee with a signed copy of the probationary report.
- Forwards signed report to the parole district's Parole Administrator.

##### **Parole Administrator**

- Reviews report for timeliness, content, consistency, and appropriateness.
- Interviews and discusses report with employee if requested.
- Treats report as a confidential document.
- Returns the signed report to the supervisor.

#### **85010.10 Annual Performance Appraisal Policy**

Pursuant to California Code of Regulations (CCR), Title 2, Division 1, Subsection 599.798(c) Performance Appraisal, each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each 12 calendar months following the end of the employee's probationary period. The appraisal shall

evaluate the employee's quality of work, helping the employee recognize areas where performance could be improved and developing with the employee a plan for accomplishing such improvement.

Within DAPO, the annual performance appraisals will be completed on the STD Form 637, Individual Development Plan, for employees who have completed at least one year in non-probationary status with a report due based on the month of the employee's birthday and each year thereafter. If the annual report is due less than three months from completion of probation, the annual performance report will not need to be completed until the following calendar year, but will cover the entire period from the final probationary performance report.

While in the process of completing the annual performance report, the employee's supervisor shall personally meet with the employee to review the report and any notes, documents, or audits utilized in preparing the report. When preparing annual performance reports, supervisors shall develop corrective action plans addressing substandard performance. Supervisors shall set goals and timelines relative to the measurement of improved future performance. A written copy of the corrective action plan shall be provided to the employee. Employees who correct their performance to a satisfactory level during the rating period shall receive a standard or better rating. The performance report shall be treated as a confidential document.

Performance reports shall be completed and issued to the employee no later than 30 days after the due date of the report. At the time an employee signs his or her annual performance report, a copy will be provided to the employee. Performance reports shall be maintained in an employee's official personnel file in accordance with the Department's retention schedule, at which time they shall be removed and given to the employee unless he or she requests that they be destroyed.

#### **85010.11 Annual Performance Appraisal Procedures**

##### **Unit Supervisor and Parole Agent II, Supervisor (Once Every 12 Months)**

- Reviews employee training records.
- Prepares written performance appraisal on each employee.
- Forwards report to manager for review.
- Discusses report with employee.
- Provides a signed copy of the performance appraisal to the employee.
- Allows employee to discuss the report with the manager if requested.

#### **85010.1 2 Apprenticeship Program Policy**

All employees entering a rank and file peace officer job classification are apprentices unless they have already attained journey-level status in the same classification accepted by the Correctional Peace Officer Standards and Training (CPOST).

The apprenticeship program for all Parole Agent I rank-and-file apprentices requires the completion of a minimum of 3600 hours in the respective work processes and a minimum of two years on the job, unless qualifying credit is awarded by the local CPOST subcommittee pursuant to the CPOST guidelines. These apprentices are required to complete the academy appropriate to their classification, but the time spent at the academy is not included in the 3600-hour work process requirement.

The unit supervisor and Parole Agent II (Supervisor) ensure apprentices over a two-year period have the opportunity and training to perform the following work processes:

- Supervision of parolees.
- Report writing and record keeping.
- Investigating.
- Arrests.
- Additional experience.

The unit supervisor and Parole Agent II (Supervisor) evaluate the apprentice's performance and takes corrective action when necessary as part of the evaluation process. The apprentice's DAS Form 103-A, Apprentice Daily Record, shall be reviewed and approved monthly and forwarded to the Regional Training Coordinator at the end of each month, and no later than the 10th of the following month. The DAS

Form 103-A is available through the Regional Training Coordinators. In addition, the unit supervisor shall prepare a written performance appraisal on each employee's overall work performance once per quarter for the entire apprenticeship period.

#### **85010.13 Documentation of Union Leave**

Employees are expected to be at work performing their job duties unless they are authorized to be away from the job. This time off must be documented on their timesheet. Supervisors are responsible for verifying that staff's time away from work has been authorized by the appropriate source and documented appropriately before signing employee timesheets.

The following are types of union leave absences and the respective request/approval processes:

- Union Paid Leave (UPL) – an employee organization may request UPL for their respective members. This leave type would be used in place of an employee's own leave credits. The request process for UPL is as follows:
  - The employee's organization sends the UPL request to the Office of Labor Relations (OLR).
  - OLR sends the UPL request to the respective DAPO Region or headquarters labor liaison.
  - The DAPO labor liaison will document and send the UPL request to the employee's supervisor.
  - The supervisor will reasonably assess workload and staffing, approve or disapprove the request, and sign the UPL request and return to the respective DAPO labor liaison. The supervisor will also notify the employee.
  - The DAPO labor liaison will document the response and send the signed UPL request to OLR.
- State Release Time – an employee shall be entitled to reasonable time off without loss of compensation for the purposes of representation (Skelly Hearings, State Personnel Board Hearings, grievance conferences, etc.). There is no request form for State release time. This time is subject to approval by the employee's supervisor and shall be documented in the following manner:
  - The supervisor shall maintain a log to account for the job steward/employee representative State release time away from the worksite.
- Official Business (OB) – OB is for employees participating in the collective bargaining process on behalf of the State (contract negotiations, local negotiations, joint labor management committee meetings, arbitration hearings, etc.). The following is the procedure for OB time off requests:
  - OLR sends the OB request to the respective DAPO Region or headquarters labor liaison.
  - The DAPO labor liaison will document and send the OB request to the employee's supervisor.
  - The supervisor will reasonably assess workload and staffing, approve or disapprove the request, sign the OB request, and return to the respective DAPO labor liaison. The supervisor shall attach a copy of the OB request authorization to the employee's timesheet for submission to personnel.
  - The DAPO labor liaison will document the response and send the signed OB request to OLR.
- Release Time Bank (RTB) (BU6 rank and file members only) – is established by associated members' leave contributions. Members may donate any portion of their available leave balances, with the exception of sick leave. The California Correctional Peace Officers Association (CCPOA) shall initiate an RTB. The request procedure is outlined below:
  - CCPOA sends a RTB request to OLR.
  - OLR sends the RTB request to the DAPO Region or headquarters labor liaison.
  - The DAPO labor liaison will document and send the RTB request to the employee's supervisor.
  - The supervisor will reasonably assess workload and staffing, approve or disapprove the request, sign the RTB request, and return to the respective DAPO labor liaison. The supervisor shall attach a copy of the RTB request authorization to the employee's timesheet for submission to personnel.

- The DAPO labor liaison will send the signed RTB request to OLR.
- Supervisory Release Time Bank (SRTB) (CCPOA—Supervisory members only) – is established by associated members’ leave donations. The following will take place when making an SRTB request:
  - CCPOA – Supervisory sends the SRTB request to the DAPO Region or headquarters labor liaison.
  - OLR sends the SRTB request to the DAPO Region or headquarters labor liaison.
  - The DAPO labor liaison will document and send the SRTB request to the employee’s supervisor.
  - The supervisor will reasonably assess workload and staffing, approve or disapprove the request, sign the SRTB request, and return to the respective DAPO labor liaison. The supervisor shall attach a copy of the SRTB request authorization to the employee’s timesheet for submission to personnel.
  - The DAPO labor liaison will document the response and send the signed SRTB request to OLR.

Union leave of absences shall not be unreasonably denied. If operational need warrants a need to deny a union leave of absence, the supervisor shall contact the respective DAPO Region or headquarters labor liaison for guidance. A memorandum detailing the basis for denial will be required.

If this subsection is found in conflict with the provisions of the member’s BU MOU, the MOU shall be the controlling document.

#### **85010.14 Revisions**

The DAPO Director, or designee is responsible for ensuring that this Article is kept current and accurate.

#### **85010.15 References**

CPOST Standards and Regulations Manual.

CCR 2 §599.798 (c).

Government Code Sections 19172 and 19173.

### **ARTICLE 36 — WORKLOAD**

*Revised November 8, 2016*

#### **85020.1 Policy**

Standard workload for a case-carrying parole agent shall be in accordance with the current Memorandum of Understanding (MOU) for Bargaining Unit 6 and DOM Chapter 8, Article 2 - Case Supervision.

#### **85020.2 Purpose**

The purpose of this article is to establish uniform guidelines for determining workloads.

#### **85020.3 Workload**

##### **Parole Agent**

Beginning the first working day of the month and no later than the third working day of the same month, the parole agent shall submit a reconciled caseload roster from the previous month to the unit supervisor. The parole agent shall reconcile the caseload roster with the CDCR Form 1650-D, Record of Supervision, with entries noting the date the supervision specifications were made.

##### **Unit Supervisor**

1st - 5th working day of the month:

The unit supervisor shall verify caseload roster reconciliation of the previous month beginning the first working day and no later than the fifth working day of the current month.

Initial caseload roster reconciliation for the new month shall begin on the first working day of the month to ensure parolees are appropriately classified. Caseload roster reconciliation is an on-going process and shall not be restricted to the 1st – 5th working days of the month.

No later than the 5th working day of the month:

The unit supervisor or assistant unit supervisor shall review all active and non-active cases on the roster, and reconcile the caseload roster by correcting the supervision status or making supervision category changes. The unit supervisor or assistant unit supervisor shall also review workload assigned to each parole agent on the unit workload summary report.

Weekly:

On a weekly basis, the unit supervisor or assistant unit supervisor shall be responsible for reviewing and maintaining a balanced and equitable workload between assigned staff, and shall use the unit workload summary report to review the assigned workload. Upon review, the unit supervisor shall attempt to balance the unit workload and maintain an equitable mix of categories on each caseload. The range in workload ratio (total number of cases assigned to each case carrying agent) should not exceed a five case disparity between parole agents. When the parole unit has excessive workload, excess cases shall be assigned equitably to all parole agents in the parole unit. The unit supervisor or assistant unit supervisor shall endeavor to distribute pre-parole and transfer investigation request cases equitably, taking into account geography and current workload.

Exceptions may be considered for caseloads assigned to parole agents meeting the following criteria or under the following circumstances:

- Rural caseloads that require excessive vehicle travel to complete supervision specifications.
- Urban caseloads in an area with heavy traffic congestion.
- Caseloads in areas where inclement weather conditions result in modified driving conditions, such as chain requirements.
- Parole agents currently participating in the apprenticeship program.
- Parole agents participating in a training program that assists newly appointed parole agents in transitioning from the parole agent academy to actual duties of a parole agent.
- Other circumstances deemed reasonable by the unit supervisor or assistant unit supervisor.

#### **85020.3.1 Workload Adjustments**

There should be on-going face-to-face communication between the case-carrying parole agents and the unit supervisor or assistant unit supervisor regarding workload modifications and adjustments. The unit supervisor or assistant unit supervisor and parole agent should discuss the current caseload relative to the parole agent effectively managing the caseload at its current level.

Workload adjustments may include correcting the status of a parolee after a court action or transferring cases between parole agents. If these workload adjustments still result in excess workload, additional adjustments such as modifying case supervision specifications or authorization of overtime may be required. When case supervision specifications are modified, the unit supervisor or assistant unit supervisor shall note which case specifications have been modified for the month on the CDCR Form 1650-D. When a unit supervisor or assistant unit supervisor makes an adjustment to a caseload to comply with this provision, they must document the remedy taken for each caseload that was adjusted. This documentation shall be made on the caseload roster/unit workload summary. The documentation can be handwritten directly on the unit workload summary or by attaching copies of the approved STD. Form 682, Authorization of Extra Hours, from each parole agent. At the end of the month, the documentation shall be entered into a binder that shall be maintained in each parole unit and shall remain accessible to the district administrator at any given time.

In order to mitigate excessive use of overtime to manage caseloads, the unit supervisor or assistant unit supervisor is granted authority to:

- Modify case supervision specifications.
- Authorize paid overtime.
- Utilize a combination of the above.

#### **85020.3.2 Waiving or Modifying Case Contact Specifications**

The waiving or modifying of case contact specifications or other workload is the sole responsibility of the unit supervisor or assistant unit supervisor. Each case must be considered on a case-by-case basis relative to the individual parolee’s case factors and specific needs.

The unit supervisor or assistant unit supervisor shall consider the following factors when waiving or modifying case contact specifications for cases:

- The parolee is required to register as a sex offender per Penal Code 290.
- The parolee is designated as a validated security threat group member.
- The parolee is designated as a lifer, high notoriety, or public interest.

The unit supervisor shall not routinely waive or modify case contact specifications and the waiving or modification of contact specifications should be considered as an exception than the rule. Therefore, the unit supervisor shall consider the totality of case factors and public safety when considering waiving or modifying case contact specifications for the above cases.

When tasks are waived, the unit supervisor or assistant unit supervisor shall note this decision on the CDCR Form 1650-D. The unit supervisor or assistant unit supervisor may waive the following tasks:

- Home visits:
  - Home visits shall not be waived for the same parolee during two consecutive months unless the parolee is homeless or the parolee resides in a geographically remote area. Under these circumstances, the unit supervisor or assistant unit supervisor, considering public safety, may waive this contact.
  - The unit supervisor or assistant unit supervisor may waive the requirement of home visits being unannounced to allow the parole agent to notify the parolee in advance of the home visit. When this requirement is waived, the parole agent shall document the parolee's notification on the CDCR Form 1650-D.
- Additional face-to-face contacts.
- Urinalysis tests.
- Significant collateral contacts.
- Resource contacts.
- Pre-release residence verification – the residence verification subsequently must be completed during the initial home visit and documented on the CDCR Form 1658, Pre-Parolee Residence/Employment Verification.

The unit supervisor or assistant unit supervisor shall not routinely waive or modify caseload supervision specifications except as provided below:

- Initial interview.
- Initial home visit (the unit supervisor or assistant unit supervisor may, however, waive the time frame so that the parole agent has more time to complete this task).
- Comprehensive interview.
- Residence verification and completion of the CDCR Form 1658.
- Monthly goals and progress report and completion of the CDCR Form 1661, Monthly Goals/Progress Report.
- Case conference review and completion of the CDCR Form 1657, Case Conference Review/Discharge Consideration Committee, with the exception of transition phase cases where the parolee's participation is not required during the case conference review.
- Violation reports.
- Discharge review reports.

The regional parole administrator has the authority to waive any of the foregoing specifications, with the exception of violation reports and discharge review reports.

#### **85020.4 Revisions**

The DAPO Director or designee is responsible for ensuring that the contents of this section are kept current and accurate.

#### **85020.5 References**

The MOU for Bargaining Unit Six.

DOM, Chapter 8, Article 2 Case Supervision.

### **ARTICLE 37 — WORK WEEK GROUPS AND WORK HOURS**

**REVISED APRIL 12, 2017**

#### **85030.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) to abide by the California State Civil Service Rules and Regulations and the individual Bargaining Unit (BU) contracts governing the general duties and work hours of DAPO staff.

#### **85030.2 Purpose**

The purpose of this article is to establish the general duties and work hours for positions within DAPO.

#### **85030.3 Disclaimer**

If provisions in this article conflict with any statute(s) or Memorandum of Understanding (MOU), the statute(s) or MOU shall prevail as it relates to the specific represented group. Any exceptions to this policy will be considered at the DAPO Director level.

#### **85030.4 Responsibilities**

##### **Director**

DAPO is managed by a Director who reports to the Undersecretary, Operations and is responsible for establishing and maintaining CDCR's overall parole supervision efforts.

##### **Deputy Director**

The Deputy Director reports to the DAPO Director and is responsible for managing and overseeing statewide parole operations.

##### **Regional Parole Administrator**

A Regional Parole Administrator (RPA) is a CDCR parole administrator and Hiring Authority of a regional headquarters or of division headquarters. A RPA reports to the DAPO Deputy Director and is responsible for managing the overall parole supervision efforts in his or her parole region or for overseeing the division headquarters units and for the direct supervision of the Associate Directors. A RPA who is assigned to division headquarters and who is the Hiring Authority for division headquarters is referred to as an Assistant Deputy Director.

A RPA shall ensure that parole units establish procedures for staff to be available for off-hour response to parolees, law enforcement, and interested agencies.

##### **Chief Deputy Regional Administrator**

A Chief Deputy Regional Administrator is a CDCR parole administrator in a DAPO parole region. A Chief Deputy Regional Administrator reports to a Regional Parole Administrator and is responsible for managing specific parole supervision efforts within a parole region and for managing the units or programs of several parole districts and/or a regional headquarters. A Chief Deputy Regional Administrator who is assigned to division is referred to as an Associate Director.

##### **Parole Administrator**

A Parole Administrator is a CDCR administrator of a DAPO field program, a parole district, a geographical area, or multiple headquarters units. A Parole Administrator reports to a Chief Deputy Regional Administrator and is responsible for managing the overall parole supervision efforts in a DAPO field program, a parole district, a geographical area, or multiple headquarters units. A Parole Administrator who is assigned to oversee a parole district is referred to as a District Administrator.

##### **Parole Agent III**

A Parole Agent III is a CDCR supervisor of a DAPO parole unit. A Parole Agent III reports to a Parole Administrator and is responsible for the supervision of case-carrying parole agents and/or other staff or for the supervision of a headquarters unit, supervising subordinate staff within the unit. A Parole Agent III who is assigned to a DAPO parole unit is referred to as a unit supervisor.

The unit supervisor is responsible for establishing procedures and ensuring that staff is available for off-hour responses to parolees, law enforcement, and interested agencies.

##### **Parole Agent II (Supervisor)**

A Parole Agent II (Supervisor) is the first-line supervisor responsible for the supervision of Parole Agent Is who are assigned to a parole unit within DAPO. A Parole Agent II (Supervisor) reports to a Parole Agent III, otherwise known as a unit supervisor, and works in conjunction with the unit supervisor as the assistant unit supervisor. A Parole Agent II (Supervisor) is assigned staff supervisory duties, administrative duties, and a caseload of parolees to supervise. A Parole Agent II (Supervisor) can also be assigned to a division or regional headquarters unit, and be responsible for the supervision of subordinate staff within the unit.

##### **Parole Agent II (Specialist)**

A Parole Agent II (Specialist) assigned to a parole unit field office is a case-carrying parole agent and the lead parole agent responsible for training Parole Agent Is; a Parole Agent II (Specialist) assigned to a division or regional headquarters unit is a non-case carrying parole agent who is responsible for a major program function. A Parole Agent II (Specialist) reports to a Parole Agent III, and works in conjunction with the unit supervisor to perform administrative duties. A Parole Agent II (Specialist) shall not be assigned staff supervisory duties.

that include preparing employee performance evaluations or employee disciplinary actions.

#### **Parole Agent I**

A Parole Agent I is a case-carrying parole agent who is assigned to a parole unit within DAPO. A Parole Agent I reports to a Parole Agent II (Supervisor), otherwise known as an assistant unit supervisor, and is responsible for the supervision of offenders in the community. A Parole Agent I who is assigned to a parole unit within DAPO is referred to as a parole agent.

A parole agent is responsible for reporting to work on the date and at the time indicated on his or her approved work schedule or when called for off-hour responses related to parolees, law enforcement, and/or interested agencies.

When a parole agent anticipates a deviation from the previously approved workweek schedule, the parole agent shall contact the unit supervisor or, in the absence of the unit supervisor, the assistant unit supervisor for approval of the change.

A parole agent is not precluded from responding to an emergency in a timely manner if neither the unit supervisor nor the Administrative Officer-of-the-Day (AOD) can be contacted. After becoming aware of an emergency request from an allied law enforcement agency, and being in the immediate proximity of that request, a parole agent shall:

- Immediately respond to the location of the request and render any and all support within the parole agent's training and capabilities.
- Notify the commanding officer at the scene of his or her presence and offer to provide support within his or her training and capabilities.
- Notify the unit supervisor of the situation once it becomes safe and practical to do so, detailing the events of the incident, and comply with any direction given by the unit supervisor.

#### **85030.5 Primary Responsibilities of Staff Assigned to a Parole Unit**

##### **Unit Supervisor**

The unit supervisor is a Parole Agent III and the second-line supervisor responsible for the overall operation of the parole unit. The unit supervisor is responsible for the supervision of the Parole Agent II (Supervisor), otherwise known as the assistant unit supervisor, and, by extension, for the parole agents and support staff assigned to the parole unit. In the absence of the assistant unit supervisor, the unit supervisor will become the first-line supervisor responsible for supervising the parole agents assigned to the parole unit. The unit supervisor's responsibilities include, but are not limited to:

- Ensuring that the Warrant Unit has a list of after-hours telephone numbers for the unit supervisor, the assistant unit supervisor, and each parole agent assigned to the parole unit.
- Monitoring and auditing program operations.
- Making changes to the operations of the parole unit as needed.
- Approving Conditions of Parole.
- Attending Discharge Consideration Committees.
- Providing training and mentoring to staff.
- Responding to citizen complaints.
- Ensuring that staff complies with departmental rules and policies.
- Interacting with supervisory and subordinate staff from other agencies.
- Supervising arrests.
- Reviewing proposed work schedules submitted by parole unit staff and denying or approving schedules based on the needs of the parole unit.
- Reviewing employee timesheets and mileage logs for accuracy.
- Initiating the corrective action and/or adverse action processes described in DOM, Chapter 3, Article 22, if necessary.
- Completing employee performance evaluations.
- Reviewing and authorizing reports, e.g., violation reports, discharge reviews, etc.
- Completing case reviews/case conference reviews.

- Providing assistance to the public regarding parolees who are being overseen by the parole unit.
- Providing assistance to law enforcement agencies.
- Assigning pre-parole investigation requests.
- Assigning transfer investigation requests.
- Balancing the workload summary.
- Providing on-scene supervision for tactical operations and coordination with local law enforcement during field operations.
- Ensuring that proper radio communication is adhered to when conducting field operations.

A unit supervisor assigned to a parole unit may be authorized to carry the Electronic Control Device (ECD), also known as the Taser, after successfully completing training on how to use the device in accordance with the manufacturer's training criteria. Once authorized to carry the ECD, the unit supervisor shall carry the ECD during all planned field arrest situations. All procedures for the ECD are outlined in Restricted DOM, Chapter 55000, Section 55050.

##### **Assistant Unit Supervisor**

The assistant unit supervisor is a Parole Agent II (Supervisor) and the first-line supervisor responsible for supervision of parole agents assigned to a parole unit. The assistant unit supervisor shall report to and work in conjunction with the unit supervisor. The primary function of the assistant unit supervisor is to train and monitor parole agents who are under his or her supervision. The assistant unit supervisor's duties shall be divided as follows: 75 percent shall be associated with staff supervision and 25 percent shall be associated with carrying a caseload. Relative to the cases being supervised by the parole unit, the caseload shall be proportionate to the equitable breakdown of cases by category. The assistant unit supervisor's responsibilities include, but are not limited to:

- Supervising the cases of parolees under the jurisdiction of DAPO.
- Reviewing and authorizing reports, e.g., violation reports, discharge reviews, etc.
- Completing case reviews/case conference reviews.
- Providing assistance to the public regarding parolees who are being overseen by the parole unit.
- Providing assistance to law enforcement agencies.
- Assigning pre-parole investigation requests.
- Assigning transfer investigation requests.
- Balancing the workload summary.
- Serving as a lead trainer for parole agents, including being responsible for on-the-job training on such subjects as: remedial training as it relates to casework or field operations, report writing and documentation, and parole agent safety issues and field operations, including arrests, handheld radio operations, and parolee supervision techniques.
- Assist the unit supervisor as needed in all administrative duties, including the supervision and operations of the parole unit, the supervision of support staff, and the management of the parole unit, along with any associated functions to ensure compliance and adherence to all regulations, policies, and directives.
- Assuming the duties associated with the unit supervisor in his or her absence.
  - If the unit supervisor is absent for two weeks or longer, the assistant unit supervisor's caseload may be transferred to other parole agents in the parole unit at the direction of the District Administrator.
- Supervising parole agents and monitoring field activities on a continuous basis, including home visits, employment visits, rehabilitative program visits, and field arrest situations.
- Monitoring all aspects of parole supervision when parole agents are in the field, including parole agent safety, motivational interviewing, collateral contacts, urinalysis collection, report writing/documentation, and caseload management.
- Documenting the performance of parole agents for use in appraisals and probation reports.
- Initiating the corrective action and/or adverse action processes described in DOM, Chapter 3, Article 22, if necessary.
- Providing on-scene supervision for tactical operations and coordination with local law enforcement during field operations.

- Ensuring that proper radio communication is adhered to when conducting field operations.

An assistant unit supervisor assigned to a parole unit may be authorized to carry the ECD, also known as the Taser, after successfully completing training on how to use the device in accordance with the manufacturer's training criteria. Once authorized to carry the ECD, the assistant unit supervisor shall carry the ECD during all planned field arrest situations. All procedures for the ECD are outlined in Restricted DOM, Chapter 55000, Section 55050.

#### **Parole Agent**

The parole agent is a Parole Agent I who is responsible for supervising an assigned caseload of parolees and performing Officer of the Day coverage as directed by the unit supervisor. The parole agent's responsibilities include, but are not limited to:

- Providing assistance to the public regarding parolees who are assigned to his or her caseload or other caseloads assigned to the parole unit when he or she performing Officer of the Day duties.
- Providing assistance to law enforcement agencies.
- Addressing the needs of walk-in parolee's and performing Officer of the Day duties as directed by the Unit Supervisor.
- Assisting other parole agents with arrests, as directed by the unit supervisor.
- Addressing the needs of Department personnel when the agent-of-record is not available.
- Maintaining the security of and responding to emergencies within the parole unit.

#### **85030.6 Parole Unit Office Hours**

All parole units shall be kept open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on State holidays and unless otherwise approved by the RPA. Sub-unit and storefront office hours shall be established to meet area service needs as approved by the RPA. Extended or reduced office hours may be established with the approval of the RPA.

#### **85030.7 Parole Unit Officer-of-the-Day**

Each parole unit shall be staffed during normal work hours by an assigned parole agent who is designated as the Officer-of-the-Day (OD). In complexes where more than one parole unit exists in the same building, the unit supervisors of each parole unit in the building and the appropriate Parole Administrator shall determine the number of parole agents needed to perform OD duties to handle the workload of the complex. In this situation, one parole agent may serve as the OD for multiple parole units. Division headquarters, northern region headquarters, southern region headquarters, and all parole units shall have an OD from 8:00 a.m. through 5:00 p.m. Sub-units and storefronts shall have an OD as scheduled based on the needs of the parole unit and subject to the approval of the RPA.

#### **85030.7.1 Officer-of-the-Day Duties and Restrictions**

The OD is responsible for the following:

- Maintaining office security when the office is open to the public.
  - The OD will unlock the office's public entrance at 8:00 a.m. and will ensure that all doors are locked at 5:00 p.m.
- Responding to all in-office emergencies.
- Taking calls from law enforcement agencies and authorizing parole holds when necessary.
- In the absence of the unit supervisor, assistant unit supervisor, or designee, the OD shall be in charge of the office.
- Keeping support staff informed of his or her whereabouts at all times.
- When notified by parole unit support staff of a person waiting in the lobby, the OD shall report to the lobby as soon as possible and assist the person. If the OD is temporarily unable to report to the lobby, the OD shall notify support staff of the delay and provide an estimated amount of time as to when he or she will be available. If the OD is unavailable to report to the lobby for an extended time, the unit supervisor may assign another parole agent to serve as OD. Assisting people waiting in the lobby shall be a priority.

- In the absence of the Agent of Record, the OD will conduct the initial interview of a parolee, provide the parolee with a copy of his or her Conditions of Parole, and update the photographs of the parolee. This includes persons released directly from a court to DAPO without records.
- When the OD completes an initial interview of a parolee whose agent-of-record is on leave, the OD shall notify the unit supervisor so that case contact specifications can be assigned to a parole agent.
- When the OD removes a parole hold, the OD shall notify the unit supervisor and the agent-of-record.
- When a person who claims to be a representative of the media contacts the parole unit to request information, the OD shall notify the unit supervisor and refer the person to the Regional Public Information Officer.
- The OD shall not leave the parole unit unless directed to do so by the unit supervisor or assistant unit supervisor, and shall not leave unless he or she is relieved by the unit supervisor, assistant unit supervisor, or another parole agent.
- Upon the approval of the agent-of-record, the OD shall issue travel permits to parolees; if the agent-of-record cannot be contacted and an emergency necessitates the issuance of a travel permit, the OD shall conduct a case conference with the unit supervisor before approving or denying the request.

The OD shall not routinely instruct parolees on their caseload to report to the parole unit while the agent-of-record is the OD, nor shall parole agents routinely instruct parolees to report to the OD for urinalysis testing or other services.

The Parole Administrator, unit supervisor, or assistant unit supervisor may assign additional OD duties as needed to fulfill the functions of the parole unit or complex.

#### **85030.7.2 Officer-of-the-Day Schedule**

The unit supervisor or assistant unit supervisor shall prepare a monthly OD schedule for the parole unit. The schedule shall identify the business days of each month and the parole agent assigned to be OD each day. The unit supervisor shall be reasonable in assigning OD coverage and ensure that all parole agents in the parole unit or complex are assigned to a generally equitable number of OD shifts each month. The unit supervisor shall also schedule coverage for training requirements, pre-approved vacation, and other types of leave. Once the OD schedule is issued, a parole agent may cover another parole agent's scheduled OD time with the approval of the unit supervisor or assistant unit supervisor.

#### **85030.8 On-Duty Status**

A parole agent is on duty when the parole agent is conforming to a monthly work schedule that has been approved by the unit supervisor prior to the commencement of the calendar month. A parole agent who anticipates a deviation from the approved work schedule shall contact the unit supervisor for approval of the change.

#### **85030.9 Office Day**

A parole agent whose day begins and ends at a parole unit is on-duty upon arrival at the parole unit and off-duty upon leaving the unit for the day.

#### **85030.10 Field Day**

If a parole agent leaves his or her home and travels directly to a field contact location, the total hours of work shall start upon the arrival of the parole agent at the field contact location. If it takes the parole agent longer to travel from his or her home to the field contact location than it takes him or her to travel from his or her home to the office, then his or her work time shall start at the interval of time that he or she usually arrives at the office.

#### **85030.11 Unit Supervisor Approval of Work Schedule**

The unit supervisor or assistant unit supervisor shall have the authority to approve or deny proposed work schedules for staff under his or her supervision. The approval or denial of work schedules shall be done in accordance with the current MOU for BU 6.

#### **85030.12 Emergencies/Call-Back**

A parole agent is not precluded from responding to an emergency in a timely manner if neither the unit supervisor nor the AOD can be contacted. If this occurs, the parole agent is expected to respond to the emergency and report the circumstances to the appropriate person in his or her chain of command as soon as possible.

If the parole agent is requested to respond to an emergency or suffers any other work before arriving at the office, at the field contact location, or when traveling for the period of time that it usually takes him or her to get to the office, the parole agent's work day shall start at the moment that he or she suffers the work.



Additionally, while off-duty, should a parole agent need to respond in-person to an emergency or call from a local law enforcement agency, the parole agent shall receive a minimum of four hours of call-back time and shall be compensated in accordance with current provisions of the MOU for BU 6.

#### **85030.13 Travel**

When a parole agent must travel beyond the boundaries of the parole unit for training, to attend meetings, or for other official reasons, the parole agent will be on-duty until he or she arrives at the lodging. After that time, the parole agent will be considered on-duty only when attending scheduled activities or carrying out approved duties.

#### **85030.14 Off-Duty Status**

A parole agent is considered off-duty when he or she is not engaged in a work-related activity, at training, or on a special assignment.

#### **85030.15 Work Rules**

There will be a minimum of one parole agent in the office assigned as OD Monday through Friday, from 8:00 a.m. to 5:00 p.m. Additional modifications or staffing can be made in sub-units and storefronts at the discretion of the unit supervisor.

In working the expanded schedule (weekends and/or evenings) it is expected that a parole agent will spend his or her time in the field, in the office, or a combination of both with approval of the unit supervisor. For safety reasons, a parole agent working on a Saturday or Sunday shall a written general itinerary of planned field visits to the unit supervisor no later than the preceding Friday. If an arrest is required during this expanded schedule, a parole agent shall contact the unit supervisor or AOD and conduct a case conference. In arrests or investigations where there is potential danger, a parole agents shall utilize the assistance of law enforcement. Arrests shall be made in accordance with DOM, Chapter 8, Article 3.

#### **85030.16 Overtime Policy**

The RPA or designee shall delegate the authority to approve overtime to the unit supervisor or the assistant unit supervisor, unless compelling circumstances require the authority to be elevated. The authority shall be elevated to a classification no higher than a District Administrator, where appropriate, in order to manage excessive use of overtime for supervising caseloads.

Divisional staff shall not conduct State business outside of approved scheduled work hours or approved overtime, as articulated in this section.

#### **Caseload-Related Management Considerations**

The unit supervisor or assistant unit supervisor shall implement the following in order to reduce and/or eliminate the need for overtime during the normal workweek:

- Ensure adherence to the work schedule, keeping consistent with the current MOU for BU 6 as it relates to the administration of workload.
- Ensure that a parole agent is not scheduled to work more than 41 hours in a workweek.
- Ensure that a parole agent does not schedule a regular day off on a day when the parole agent has any other work commitments requiring his or her attendance, such as scheduled OD duties.
- Review caseload rosters for scheduled releases, mandatory pickups, and/or case contacts pursuant to Penal Code Section 3060.7.
- Upon the request of a parole agent, the unit supervisor or assistant unit supervisor shall review the parole agent's performance progress with the parole agent prior to the annual or probationary performance reviews.

Ongoing communication between the unit supervisor or assistant unit supervisor and staff regarding workload is encouraged and expected to be bilateral.

#### **Requesting Overtime**

If, at any time during the month, a parole agent believes that workload circumstances warrant overtime, he or she shall submit a request for overtime to the unit supervisor or assistant unit supervisor. Requests for overtime shall be made using STD Form 682, Authorization of

Extra Hours and must be approved in advance of the parole agent working overtime.

Procedures for requesting and approving overtime shall be in accordance with the MOU for BU 6.

At the conclusion of the workweek, the parole agent shall submit the completed and signed STD Form 682 to confirm the actual hours worked. Case supervision specifications completed by the parole agent in the course of the authorized overtime hours shall be noted in the margins of the STD Form 682. Actual hours worked cannot exceed the hours authorized by the unit supervisor. The unit supervisor shall retain the STD Form 682 in the parole agent's supervisory file and review the CDCR Form 998-A, Employee Attendance Record at the end of the month to verify that the parole agent actually worked the hours claimed.

The parole agent may only claim actual hours worked for a specific date, not to exceed the total number of hours authorized for that date. If an emergency arises which requires the parole agent to work in excess of the authorized overtime hours, the parole agent shall obtain supervisory approval for those hours on the next working day.

#### **Training Related Overtime**

Time spent in training shall be considered in determining whether overtime approval is necessary to allow parole agents to meet specifications of their caseloads, but overtime approval does not necessarily result from time spent in training.

#### **Tracking and Monitoring of the Use of Overtime**

The unit supervisor or assistant unit supervisor shall report all planned and unplanned uses of overtime to the Parole Administrator, who is responsible for overseeing and managing the overall parole supervision efforts at the parole unit level. At the end of each month, the unit supervisor or assistant unit supervisor shall submit the completed CDCR Form 2262, District Overtime Report and CDCR Form 3044, Monthly Modification of Case Supervision Specifications to the Parole Administrator. By the fifth of each month, the Parole Administrator shall electronically forward the CDCR Form 2262 for the preceding month to the Chief Deputy Regional Administrator; the CDCR Form 3044 shall be maintained by the Parole Administrator. By the tenth of each month, the Chief Deputy Regional Administrator or designee shall electronically forward one consolidated Regional Overtime Report, as documented on the CDCR Form 2263, Regional Overtime Report, to the DAPO Deputy Director or designee. The CDCR Form 2263 and related documents shall be reviewed by the DAPO Deputy Director or designee on a monthly basis.

#### **85030.17 Workweek**

The workweek shall start on Monday and end on Sunday.

The normal work schedule for parole agents shall be a four-day or five-day workweek, as dictated by the workload and approved by the unit supervisor in accordance with the MOU for BU 6. With the approval of the unit supervisor, a parole agent may schedule work hours outside the standard eight-hour or 10-hour workday.

#### **85030.18 Work Hours**

Work hours, subject to the approval of the unit supervisor, will be scheduled between 6:00 a.m. and 10:00 p.m., except as emergency and operational needs dictate. No work will be routinely scheduled between the hours of 10:00 p.m. and 6:00 a.m. Each work day will be a minimum of at least four work hours and a maximum of 12 work hours, except as emergency and operational needs dictate.

With the approval of the unit supervisor, parole agents may elect to have daily start and stop times that are specific to them, provided that they are not scheduled to be on OD duty and that the elected daily start and stop times are in alignment with emergency and operational needs.

Certain core hours between 7:00 a.m. and 6:00 p.m. may be established for parole agents in administrative assignments. A work schedule may be denied to fulfill the need to cover these core hours. The rejection of one or more schedules because of the need to cover core hours shall not be deemed a blanket denial. If there are no volunteers, the necessary core hour coverage in the administrative assignments shall be determined by inverse seniority.

#### **85030.19 Lunch Hours and Rest Periods**

The workday may include, at the employee's discretion, either no meal break or an optional one-hour or half hour meal break. This break shall occur approximately in the middle of the workday. Rest periods are governed by the MOU for BU 6.

#### **85030.20 Morning and Evening Work Hours**

Work schedules shall include a minimum of four evenings/early mornings per month (evening meaning until at least 7:00 p.m., and early morning meaning starting at 6:00 a.m.). At least two of the four shifts must be evenings. These

mandated evenings/mornings shall be in the field, except if previously waived by the unit supervisor. This waiver shall be the exception rather than the norm. Nothing in this section shall prohibit parole agents from scheduling additional voluntary evenings.

#### **85030.21 Work Schedule**

Each parole agent shall submit a proposed work schedule for each month at least seven calendar days, but no more than 14 calendar days, prior to the beginning of the scheduled month to the unit supervisor for approval.

The State shall develop and standardize a work schedule to be utilized statewide.

The schedule shall represent all work hours, which shall include all workdays, weekend work, evening work, days off, OD duties, lunch or no lunch, and other special assignment responsibilities.

The unit supervisor shall ensure that all parole agents comply with the scheduling requirements of the MOU for BU 6 and the meeting of operational needs.

The unit supervisor shall approve the work schedule at least three days prior to the scheduled month, unless it can be documented that the scheduled work hours as submitted would be detrimental to the needs of the office or would hinder the parole agent in the performance of his or her duties and responsibilities. This documentation shall be provided to the parole agent upon request.

If the parole agent does not submit a monthly work schedule, the unit supervisor will assign the work schedule.

#### **85030.22 Adjustments to Work Schedule**

During the scheduled month, the unit supervisor may occasionally adjust scheduled work hours based on operational needs. Should such an adjustment be necessary, the unit supervisor shall provide written justification to the parole agent. This adjustment shall not be intended to avoid the assignment of overtime.

Parole agents requesting changes in their work schedules, excluding emergencies, will require prior supervisory approval. Parole agents will advise the unit supervisor of emergency changes no later than the next work day.

#### **85030.23 Revisions**

The DAPO Director or designee is responsible for ensuring that the contents of this article are kept current and accurate.

#### **85030.24 References**

MOU for BU 6.

Department of Personnel Administrative Rules.

### **ARTICLE 38 — HOSTAGES**

*Revised January 25, 2017*

#### **85040.1 Policy**

It is the policy of the Division to maintain hostage situation procedures and to interact with the Crisis Response Team (CRT) and other law enforcement agencies to safely resolve hostage situations.

#### **85040.1 Purpose**

The purpose of this policy is to establish the procedures for staff to follow for handling hostage situations.

#### **85040.2 Hostage Procedures**

The unit supervisor, or designee, shall ensure the following employee information is kept current and immediately available in each parole unit or headquarters office:

- Recent color photograph of each employee with physical description.
- Current list of vehicles assigned to personnel with diamond "E" and undercover license plate numbers, and description of each automobile, including year, make, model, type and color.
- Manufacturer's and CDCR serial numbers of firearms issued, or division-approved personal weapons carried by each employee, or a statement that no weapon was issued, or is carried by the employee.
- Emergency Contact and Medical Information Forms.

#### **DAPO Staff (During Contact by Hostage-Taker or Immediately Thereafter)**

In the event of a hostage situation, and a staff member is contacted or notified by the hostage-taker, the staff member notified shall attempt to engage him/her in conversation as long as possible. The staff member will attempt to obtain information regarding the incident; e.g., location, telephone number, persons involved, number of hostages and their physical condition, weapons involved. Any attempt to manage the situation or enter into negotiations will be the responsibility of the notified local law enforcement agency or the CRT. Every opportunity to encourage the release of the hostage(s) shall be made during this time. Staff shall not attempt to negotiate a release.

In the event a hostage-taker makes demands (e.g., weapons, additional hostages, freedom of a prisoner, clemency, or dismissal of criminal charges or parole violations, etc.), staff shall attempt to delay the hostage-taker by stating that someone with more authority will be in touch with him/her as soon as possible. Under no circumstances shall staff make any commitments when communicating with a hostage-taker. As soon as practical, staff shall notify the following:

- Local law enforcement (for hostage situations that occur outside a California State prison facility).
- Watch Commander (for hostage situations that occur inside a California State prison facility).
- Supervisor or designee (unless staff contacted is the supervisor).
- DAPO Deputy Director. The Deputy Director shall be kept apprised of the hostage situation.

Every opportunity to obtain information and encourage the release of the hostage(s) shall be made during this time. Staff shall not attempt to negotiate a release.

#### **85040.3 Notification by Another Law Enforcement Agency of Hostage Situation Policy**

In the event a staff member is notified by another law enforcement agency or CRT that an employee has been taken hostage, the supervisor, or designee, shall be notified immediately. The supervisor, or designee, shall be the primary contact person with the other law enforcement agency or CRT and will provide all requested information to assist in the management of the hostage situation.

#### **85040.4 Treatment for Released Employee Hostage**

When the hostage situation has been resolved, the employee taken hostage shall be referred to the Peer Support Program (PSP) of the Office of Employee Health and Wellness, for any immediate assistance that may be needed. The PSP will, when appropriate, offer to facilitate referrals for post-incident counseling by non-departmental licensed mental health professionals who are psychological first aid trained and other resources as needed. Continued psychological care is available to the employee on a voluntary basis through the Employee Assistance Program and through the employee's chosen health care provider.

#### **85040.5 Revisions**

The DAPO Director or designee shall ensure this Article remains current and accurate.

#### **85040.6 References**

PC §§ 5054 and 5058.

### **ARTICLE 39 — PAROLE AGENT EQUIPMENT**

*Revised January 24, 2017*

#### **85050.1 Policy**

##### **Standard Equipment**

Each parole agent is furnished with the following standard equipment:

- Pair of handcuffs and keys.
- Handcuff case.
- "Ready bag."
- Parole agent badge.
- Identification card.
- Distinguishable clothing including but not limited to a parole agent windbreaker-type jacket and mesh vest.
- Protective vest.
- Chemical agent (Oleoresin Capsicum Pepper spray).

- Firearm, holster, and ammunition carrier, if requested by a parole agent hired prior to January 1, 1988. All parole agents hired after January 1, 1988 will be furnished these materials.
- Department of Motor Vehicles Form INV 171, A Card.
- Expandable baton.
- Tactical flashlight equipped with a momentary switch.
- Shooting trauma kit.
- Cardiopulmonary resuscitation mask with a one-way valve.
- Disposable protective clothing kit, inclusive of fluid-resistant coverall, eye-shield/goggle, latex gloves, disposable paper mask, respiratory protective mask, and any other protective equipment deemed appropriate by the Department.
- Blood-borne pathogen clean-up kit.
- Cell phone.

#### **Safety Equipment**

Each parole agent assigned a State vehicle is furnished with the following safety equipment:

- Set of reflectors.
- Jumper cables.
- Fire extinguisher.
- First-Aid kit (contents should be inventoried annually).

#### **Optional Equipment**

Each parole agent is issued the following equipment if there is a need related to climate or other special conditions:

- Fog lights.
- Studded snow tires.
- Spotlight (plug-in type).
- Automobile hood lock.
- Locking gas cap.

Parole agents requesting optional equipment may electronically mail the request to their unit supervisor for approval. If approved by the unit supervisor, the unit supervisor shall forward the request to their regional headquarters via the chain of command.

If the Department of General Services reassigns a vehicle, the unit supervisor will retain any optional equipment and assign it to another unit vehicle.

#### **Parole Unit Equipment**

The following items will be assigned to each parole unit and subunit:

- Two sets of leg irons.
- Two sets of waist chains with attached handcuffs, padlock, and keys.

Each parole unit will establish an equipment log to track the usage of parole unit equipment. When using parole unit equipment for an arrest or transport, the parole agent will complete and sign the unit equipment log.

#### **85050.2 Parole Agent Attire Policy**

No uniform is required to be worn by parole agents. Government Code (GC) 19850(a) describes a uniform as "...outer garments excluding shoes, which are required to be worn exclusively while carrying out the duties and responsibilities of the position and which are different from the design or fashion of the general population. This definition includes items that serve to identify the person, agency, functions performed, rank, or time in service."

The Department shall furnish all protective equipment required to be worn. Protective equipment is described in GC 19850(d) as "...equipment or attire worn by law enforcement personnel for the purpose of protecting themselves or the public from overt actions of others or to assist in the carrying out of related duties..."

#### **85050.3 Belt Badge Policy**

Parole agents may, while assigned to the Division of Adult Parole Operations (DAPO), wear a belt badge subject to the following requirements:

- Badge and badge holder must be purchased at the parole agent's expense. When the parole agent leaves DAPO, CDCR will

purchase the badge and badge holder at current replacement costs. Parole agents who retire may keep the badge and holder so long as the word "Retired" is placed on the badge at employee's expense.

- If the parole agent leaves DAPO (other than through retirement), the supervisor will take the belt badge and Department-issued badge and note possession on the employee's equipment record. The parole agent will submit a non-travel expense claim via the California Automated Travel Expense Reimbursement System (CalATERS), showing current replacement cost of the badge and holder. Before approving the expense claim, the supervisor will verify the current cost of the badge and holder with the vendor.
- The badge must meet the same specifications and have the same number as the one issued by CDCR except that the badge may be molded so it can be worn on a belt.
- A letter of authorization must be prepared and signed by the supervisor before the badge can be purchased.
- The badge must be inspected by the supervisor to ensure that it meets all requirements. The supervisor will also note on the employee equipment record that the parole agent has purchased a belt badge.

#### **85050.4 Retention of Equipment Policy**

Parole agents shall retain individually assigned equipment issued to them until separation from employment within DAPO or as otherwise instructed. In the event any individually assigned equipment is lost, stolen, or damaged, the assigned parole agent shall notify their immediate supervisor, utilizing a CDCR Form 1617, Memorandum describing the circumstances, no later than the close of business following the date of discovery; unless otherwise specified in DAPO policy.

#### **85050.5 Equipment Responsibility Policy**

All equipment shall be maintained in good working order and replaced, as needed. The unit supervisor and/or Training Coordinator shall review needs for maintenance and replacement at least annually. Parole agents are responsible for all items assigned to them. If a parole agent separates from DAPO, the last paycheck will not be issued until all equipment has been returned. Optional equipment issued to a parole agent will be retained in the parole agent's vehicle and will be the parole agent's responsibility as long as the vehicle is assigned to that parole agent. If a parole agent is reassigned, optional equipment will be returned to the supervisor who will assume responsibility for it until reassigned to another vehicle.

Parole agents should exercise due care and diligence for all equipment assigned to them. Parole agents may be required to reimburse the State for the cost of replacement equipment due to several acts (three or more) of negligence or a singular act of gross negligence. In cases of lost or stolen equipment, the parole agent shall immediately report the incident to their immediate supervisor and shall follow up with a written explanation prepared on a CDCR Form 1617, Memorandum within one business day. If equipment is stolen the parole agent shall also immediately report the theft to the California Highway Patrol (CHP) and obtain a copy of the report. The CDCR Form 1617 and the CHP report shall be forwarded to the regional training coordinator or other staff responsible for issuing equipment in order to obtain a replacement.

#### **85050.5.1 State-Issued Cell Phones**

State-issued cell phones shall only be used for conducting official State business and while in use shall adhere to all Department policies contained within Chapter 4, Information Technology. DAPO prohibits the use of State-issued cell phones for personal business except in emergency circumstances.

All DAPO staff issued a State-issued cell phone shall:

- Have the cell phone readily accessible at all times while on-duty.
- Ensure the cell phone is powered on and fully charged for use when starting shift.
- Not alter the operating system or circumvent pre-set security features.
- Not add additional features or functions without DAPO authorization.

#### **Use of State-Issued Cell Phones for Investigative Purposes**

When capturing audio or photographic evidence for investigative purposes, DAPO staff should primarily use other State-issued equipment (e.g., digital camera or video recorder) specifically designed and/or designed to capture these recordings or to document the incident. However, in circumstances, wherein evidence could be lost or destroyed, State-issued cell phones may be used to capture evidence for investigative purposes when Department resources are not immediately available. In these instances, staff shall notify their immediate supervisor when safe to do so.

**Note:** The transferring of recordings shall not be done via electronic mail. Electronic mail does not maintain or provide a proper chain of custody. All

transferring of recordings shall be uploaded via the Virtual Integrated Mobile Office application to the Strategic Offender Management System.

Nothing in this section shall supersede Department policies mandating the use of selected State-issued electronic recording devices for specific circumstances.

All recordings and images captured during the course and scope of official duties are confidential and property of the State, and shall not be used except as allowed by the Department, policy, or law. Additionally, State-issued cell phones shall not be used to capture photographs and/or audio recordings for monetary gain or private use.

#### **State-Issued Cell Phone Privacy**

DAPO staff shall exercise discretion to ensure that State-issued cell phones are used judiciously and shall also be responsible for complying with all laws related to the use of cell phones and the legal ramifications of discovery.

Any DAPO staff member utilizing a State-issued cell phone or other wireless service provided by DAPO expressly acknowledges and agrees that the use of such service shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. DAPO also expressly reserves the right to access and audit any and all communications (including content) sent, received, and/or stored using such service.

State-issued cell phones shall remain the sole property of DAPO and shall be subject to inspection or monitoring.

#### **Use of State-Issued Cell Phones While Driving**

The use of a cell phone while driving is unlawful. Therefore, DAPO staff operating State vehicles shall not use cellular phones or other personal communication devices while driving unless the device is used in a hands-free mode or for emergency purposes.

#### **State-Issued Cell Phones – Care and Responsibility**

DAPO staff who are issued cell phones shall exercise due care and diligence for their State-issued cell phones. Staff may be required to reimburse the State for the cost of replacement equipment for losses due to several acts (three or more) of negligence or a singular act of gross negligence. Staff issued a cell phone shall secure and safeguard their State-issued cell phone when off-duty.

#### **85050.6 Law Enforcement Identifying Clothing**

Each parole agent, unit supervisor and parole administrator will be issued law enforcement identifying clothing in the form of a DAPO windbreaker-type jacket and a tactical mesh vest that clearly identifies the wearer as law enforcement and shall only be worn by DAPO peace officers while on duty and to whom they are issued to.

Parole agents may also choose to optionally wear a polo style shirt in place of the windbreaker-type jacket or tactical mesh vest, as approved by DAPO. If the parole agent chooses to wear the polo style shirt, it shall be purchased at the parole agent's expense and shall only be worn by sworn DAPO peace officers while on duty.

The approved shirt shall be a short or long sleeved, polo style shirt. The shirt must have a 3¾ by 4½ - inch shoulder patch in the shape of a shield attached on the outside of both sleeves. The shoulder patch shall include the words "STATE OF CALIFORNIA PAROLE" in black and gold lettering centered just above a State seal. The top of the shoulder patch is to be one-inch below the sleeve head seam and in such a manner that a line bisecting the center of the patch shall be perpendicular to the ground when the garment is worn. On the back of the shirt in two-inch athletic gold lettering, "STATE OF CALIFORNIA" shall be on top, the word "POLICE" in four-inch gold lettering shall be centered just below, and underneath that, "PAROLE AGENT" in three-inch gold lettering. On the front of the shirt, a seven-point star badge patch with the words "STATE PAROLE AGENT CALIFORNIA" around the State seal shall be sewn on the front of the shirt above the upper left breast pocket area. On the upper right breast pocket area, the parole agent may place their first initial, last name and badge number in one-half inch athletic gold lettering.

Law enforcement identifying clothing shall be worn in situations where the parole agent's safety is enhanced by being continuously identified as law enforcement, or as otherwise approved by the DAPO Director.

Approval to wear law enforcement identifying clothing shall be by prior case conference between the unit supervisor and parole agents who will be involved in the intervention (e.g., arrest, search, investigation). If a situation develops and immediate supervisory authorization is not possible, a parole agent may exercise independent judgment as to whether the wearing of law enforcement identifying clothing will increase safety. In such instances, the circumstances, including the wearing of law enforcement identifying clothing, shall be reported to the unit supervisor at the earliest possible time.

The following are circumstances in which authorization to wear law enforcement identifying clothing may be granted:

- Arrests, searches, or investigations when there is other agency involvement, and when the number of personnel involved makes continuous identification important from a management and/or safety standpoint.
- Parole-related hostage incidents when a DAPO parole agent is dispatched to the scene as liaison with a law enforcement hostage negotiation and management team.
- While engaged in authorized firing range qualifications.
- Other situations where, in the parole agent's or unit supervisor's judgment, identifiable attire increases the parole agent's safety.

Under no circumstances shall law enforcement identifying clothing be worn in off-duty situations.

#### **Storage**

The windbreaker-type jacket and tactical mesh vest will be stored in the parole unit, or in the trunk of State or private vehicle authorized for use on State business. If carried in the trunk, the windbreaker-type jacket and tactical mesh vest will be stored in such a way as to minimize soiling.

#### **Unit Supervisors and Parole Administrators**

Unit supervisors and parole administrators will be authorized to wear law enforcement identifying clothing only when they are required to respond to field situations where continuous identification is necessary from a management and/or safety standpoint (e.g., responding to a hostage situation, conducting an investigation at the scene of a shooting, or as tactical commander of an arrest situation where other agencies may be involved).

#### **85050.7 Protective Vest**

Protective vests are designated as safety equipment. Protective vest types include ballistic vests, combination vests, and stab-resistant vests. Parole service associates, parole agents, unit supervisors, and parole administrators shall wear State-issued protective vests as determined by the DAPO Director. In addition, the DAPO Director determines the following:

- Wear requirements such as concealed or unconcealed.
- Storage requirements.
- Accountability and replacement requirements.
- Any additional DAPO staff that may be mandated to wear protective vests.

All DAPO staff issued a State-issued protective vest shall ensure the vest, not the inserts, are laundered when required.

#### **85050.8 Property Control Policy**

One person in each parole unit or headquarters office shall be assigned responsibility for control and accountability of property.

#### **85050.9 Revisions**

The DAPO Director or designee shall ensure this section remains current and accurate.

#### **85050.10 References**

CCR §§ 3276, 3291.

VEH § 23123.5.

### **ARTICLE 40 — EVIDENCE STORAGE AND DISPOSAL**

*Revised January 29, 2018*

#### **85060.1 Policy**

Evidence is "testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact." To preserve the integrity of evidence in a court proceeding, the chain of custody must be clearly documented and due caution must be used to preserve the integrity of the evidence.

Each parole unit or complex shall have a secure evidence storage area to store seized evidence. The Regional Parole Administrator, or designee, shall approve

the location of each parole unit's evidence storage area. The evidence storage area shall not be located in an area of the parole unit to which parolees have access. The unit supervisor is responsible for security, control, and inventory of stored evidence. This function shall not be delegated below the level of Parole Agent II, Supervisor. Access to the evidence storage area shall be restricted to the purpose of placing evidence in it, retrieving evidence from it, or other procedures described in this article.

All evidence shall be maintained in secure storage. Items that are not evidence shall not be stored in the evidence storage area. Evidence packaging materials shall not be stored in the evidence storage area. The unit supervisor shall designate an area of the parole unit or complex outside of the secured evidence storage area for storage of evidence packaging materials.

Prior to seizing evidence that indicates a misdemeanor other than Health and Safety Code 11364, or a felony has occurred, the parole agent shall contact the law enforcement agency with jurisdiction over the location where the evidence was found to request that the agency seize and process the evidence. If the law enforcement agency declines to assist, the parole agent shall proceed according to this article. If the law enforcement agency does assist, the parole agent shall provide a supplemental report, in the format requested by the assisting agency, detailing the parole agent's involvement in the discovery of the evidence and any other actions taken by the parole agent.

#### **85060.1.1 Purpose**

The purpose of this article is to establish uniform procedures for the documentation, seizure and packaging of evidence throughout DAPO. This will ensure the chain of custody is properly documented and the integrity of evidence seized by DAPO is maintained.

#### **85060.1.2 Requesting Assistance From Allied Agency**

When conducting a search without the assistance of another law enforcement agency, the parole agent shall secure the scene and request assistance of the law enforcement agency with jurisdiction when the following items or observations are made:

- Evidence of a major crime (e.g., items indicating drug trafficking, precursor chemicals, weapons, human trafficking, ammunition, shell casings).
- Firearms.
- Suspected explosives.
- Evidence that indicates criminal activity involving persons other than the offender under DAPO supervision.
- Large quantities of United States or foreign currency.
- Stolen merchandise.
- Evidence beyond the training and capability of the parole agent to seize.

#### **85060.1.3 Evidence Handling and Packaging Procedures**

Prior to handling any evidence, the parole agent shall don latex gloves, and any other protective equipment necessary to ensure safety and preserve the integrity of the evidence. When an object will be seized as evidence, the following lines of responsibility apply:

##### **Parole Agent**

- Determine item(s) to be seized, and transport them back to the parole unit.
- Document the item(s) seized by photographing the item in the place in which it was discovered.
- Complete the CDCR Form 1136, Evidence/Property Report and Inventory Receipt, and assign each seized item an item number. Write a thorough description of each item in the "Object Description" column and a description of where the item was seized in the "Item Removed From" column.
- Provide one copy of the CDCR Form 1136 to the parolee, another responsible adult at the scene, or leave a copy at the scene if no adults are available before departing with any seized items.

Upon returning to the parole unit:

- Retain the original CDCR Form 1136 (white copy) in the field file.

- Photograph and, if appropriate, measure each item seized in a manner sufficient to document each item.
- Obtain one CDCR Form 1136-E, Evidence Envelope, for each item seized. If the item will not fit in the CDCR Form 1136-E, obtain a suitable container and follow the procedures listed in section 85060.1.3 for the CDCR Form 1136-L, Evidence Container Label.
- Complete the CDCR Form 1136-E for each item. The item number for the item placed inside the CDCR Form 1136-E will be the same as the item's designated number on the CDCR Form 1136.
- Seal the CDCR Form 1136-E: sign across the flap, and use transparent tape to completely seal the flap.
- When the item(s) seized have been individually packaged inside the CDCR Form 1136-E(s), notify the unit supervisor, and proceed as described in section 85060.3.
- Document the steps taken to seize and package evidence on CDCR Form 1650-D, and any other necessary reports.

#### **85060.1.4 Oversized Evidence Packaging Procedures**

If an item will not fit in the CDCR Form 1136-E, a non-standard container shall be used (e.g., cardboard box, paper bag, etc.). The container must completely enclose the seized item and be able to show evidence of tampering. Parole agents may utilize paper bags, boxes, or other containers. When selecting an appropriate container, the parole agent shall utilize the smallest possible container. The parole agent shall place the item in the container, complete the CDCR Form 1136-L, and affix the CDCR Form 1136-L to the container, in a manner that will allow personnel to make entries in the "Chain of Custody" section. The parole agent shall seal the container with transparent tape, and proceed as described in section 85060.3. If possible, the parole agent shall sign across a seal or lid.

#### **85060.2 Special Evidence Packaging Procedures**

Certain items require special procedures for safety and preservation of forensic evidence. Staff seizing items described in this section shall exercise due caution when handling these items to preserve safety and the integrity of the item.

##### **85060.2.1 Special Procedures for Firearms**

The parole agent shall always presume a firearm is loaded. The parole agent shall not handle or manipulate the firearm unless it becomes absolutely necessary to ensure the safety of the parole agent or others at the scene. When a firearm is discovered, the parole agent shall visually identify all potential evidence, ensure the integrity of the evidence is preserved by securing the scene, and contact the law enforcement agency with jurisdiction over the area or the Office of Correctional Safety for assistance.

If possible, the parole agent shall photograph the firearm in the state and location where it was found. Prior to handling the firearm, the parole agent shall use latex gloves to prevent contamination of any surface of the firearm. When the firearm is handled by a parole agent, the parole agent should handle the firearm on areas least likely to retain fingerprints, such as textured areas.

After the scene is secured, and if the Office of Correctional Safety or law enforcement agency will not provide assistance, the parole agent shall:

- Render the firearm safe without exceeding training and capability. If the firearm can be safely transported in a loaded condition, the parole agent may do so, keeping the firearm pointed in a safe direction at all times.
- While keeping the firearm pointed in a safe direction, visually inspect the firearm to determine the serial number, if any. Make note of the serial number.
- Render the firearm safe without exceeding training and capability. If the firearm can be safely transported in a loaded condition, the parole agent may do so, keeping the firearm pointed in a safe direction at all times.
- Collect all ammunition and shell casings found in the vicinity of the firearm.
- Return directly to the parole unit to package and store the firearm.

To package and store a firearm:

- Before unloading or securing any firearm as evidence, record the position, as found, of any safety, cocking indicator, hammer, loaded-chamber indicator, selector, or other controls and features.
- Obtain a container that will completely surround the firearm.
- If safe to do so, unload the firearm, and package each round of ammunition and the magazine separately, as described in section 85060.1.3. For revolvers, follow the procedures in section 85060.2.2.

- Prior to placing the firearm in the container, ensure that the serial number has been recorded and no other information still needs to be obtained from the firearm.
- Complete the CDCR 1136-L and place it on the container in a manner that prevents the container from being opened without damaging or removing the CDCR Form 1136-L. Seal sides of the container, if necessary, with transparent tape.
- If the firearm is packaged loaded, write "LOADED FIREARM" in large letters on the top of the container and draw a large arrow indicating the direction of the muzzle.
- Place the sealed container in the evidence storage area in accordance with 85060.3.

#### 85060.2.2 Special Unloading Procedures for Revolvers

- Prior to opening the cylinder, it should be marked to indicate its position as found. This can be done with a **short** pen or scribe mark on the cylinder, along each side of the frame top strap.
- When opening the cylinder to document and remove cartridges and/or casings, keep the muzzle pointed in a safe and downward direction to prevent the cartridges and/or casings from falling out.
- Before removing any cartridge or casing, document the chamber position of each cartridge and/or casing and any markings or calibers of each cartridge and/or casing. The chamber that falls between the two marks made above is chamber position #1, and each chamber thereafter is numbered sequentially in clockwise order.

#### 85060.2.3 Firearm Follow-up Procedures

- Conduct a records check of the firearm via the California Law Enforcement Telecommunications System.
- Contact the law enforcement agency with jurisdiction over the location the firearm was found and request the agency take custody of the firearm. Coordinate the transfer of the firearm to the law enforcement agency as needed.

#### 85060.2.4 Special Procedures for Controlled Substances

If a law enforcement agency will not assist, the parole agent shall:

- Photograph the controlled substance in the state and location where it was found, if possible.
- Photograph the controlled substance in the packaging in which it was found prior to packaging it as evidence.
- Collect the controlled substance in a safe manner and record the quantity, appearance, and packaging. Do not remove the controlled substance from any material in which it was packaged.
- Package the controlled substance according to 85060.1.3.
- Transport the substance to the local forensic laboratory for testing, if available. If not available, transport the substance to the nearest California Department of Justice (DOJ), Bureau of Forensic Services, regional laboratory.
- If the DOJ laboratory will not accept the controlled substance, or if the controlled substance must be stored in the parole unit until it can be transported to a local forensic laboratory or the DOJ laboratory, secure the controlled substance in the parole unit evidence storage area.

#### 85060.2.5 Storage of Evidence Photographs

Evidentiary photographs shall be stored utilizing the following mediums:

- CD-ROM
- DVD-ROM
- USB thumb drive
- Upload into the Parole Violation Disposition Tracking System (PVDTS), if the photographs are evidence of a parole violation and a case is initiated in PVDTS.

After photographs are transferred to a storage on a CD-ROM, DVD-ROM, or USB thumb drive, the media shall be packaged as evidence and secured in the evidence storage area. In the event CDCR computers are used to transfer photographs from a camera to storage media, no copies shall remain in any CDCR electronic storage database, with the exception of PVDTS.

#### 85060.2.6 Seizure of Electronic Devices Policy

An electronic device is a device that stores, generates, or transmits information in electronic form (e.g., cellular phone, computer, etc). These devices require special collection, packaging, transportation, and forensic search techniques. Examining the contents of a device without proper training and procedures may result in the unintentional alteration of the contents of the device, and thus damage the integrity of the evidence. Additionally, legal authority beyond the scope of a parole search may need to be obtained to search the device. Improper access of electronic devices may violate state and federal laws. Searches of electronic devices shall be carried out in accordance with DOM Chapter 8, Article 3.

If it is anticipated during the planning of an arrest and/or search that electronic devices will be encountered and should be searched, the parole agent shall request the assistance of law enforcement personnel with a level of expertise capable of searching the devices.

If the parole agent has been trained on the use of a program(s) capable of conducting preliminary on-scene searches (e.g., *ImageScan*, *Field Search*) of electronic devices, the parole agent may utilize these programs to conduct an on-scene search.

If a preliminary on-scene search program is not available, and the parole agent still desires to search the device, the parole agent shall conduct a cursory search only, and refrain from opening individual files stored on the device. Opening individual files will change the date the file was last modified, thus reducing the integrity of the evidence.

If the on-scene search indicates that the device should be seized for further forensic examination conducted away from the scene, the parole agent shall:

- Identify all periphery device(s), screens, and cables connected to the device(s) being seized.
- Attempt to obtain device passwords by interviewing the parolee.
- Seize the device(s) and cables, if legal authority to do so exists.
- Submit the device to the Correctional Intelligence Task Force (CITF).

#### 85060.2.7 Submission of Devices to the Correctional Intelligence Task Force Policy

Forensic searches of electronic devices seized by DAPO staff shall be conducted by the Office of Correctional Safety, CITF. A forensic search that will likely result in the destruction of the device shall only be conducted when a cursory search or a lesser non-destructive forensic analysis shows probable cause that evidence of a crime listed in PC 667.5(c), 1192.7(c), or 311.11 through 311.12 exists on the device. A forensic search likely resulting in the destruction of the device must be approved in writing by the District Administrator prior to commencing with the destructive process.

In the event of a sustained claim against the State as a result of a destructive search requested by DAPO and conducted by CITF, DAPO shall be responsible for payment of the claim.

#### 85060.2.7.1 Submission of Devices to the Correctional Intelligence Task Force Procedures

Upon seizing an electronic device and the parole agent's determination of the need for a forensic search, the following lines of responsibility apply:

##### Parole Agent

- Package the device as evidence according to section 85060.1.3.
- If applicable, complete a CDCR Form 1617, Memorandum, documenting the probable cause that evidence of a crime listed in PC 667.5(c), 1192.7(c), or 311.11 through 311.12 exists. Include a recommendation for authorization of a destructive search. After a decision from the District Administrator, place the memorandum in the field file.
- If approved by the District Administrator, send an electronic mail to: [citfcentralintake@cdcr.ca.gov](mailto:citfcentralintake@cdcr.ca.gov).
- Follow instructions from CITF staff for shipment of the device to CITF.

The parole agent may submit the device to CITF prior to receiving authorization for a destructive search.

##### Unit Supervisor

- If applicable, within three business days, review the CDCR Form 1617, make a recommendation, and forward to the District Administrator.

##### District Administrator

- If applicable, within three business days, review the CDCR Form 1617 and make a decision to approve or deny a destructive search.

### **85060.2.8 Special Procedures for Illegal Fireworks and/or Explosive Devices**

Any suspected illegal fireworks, explosive devices, or other hazardous materials shall not be moved. The parole agent shall clear the scene and immediately contact the law enforcement agency with jurisdiction over the area for assistance.

### **85060.2.9 Special Procedures for Sharp Objects**

Sharp objects shall be placed in a syringe container before being placed in the CDCR Form 1136-E. If the item does not fit in a syringe container, the parole agent shall wrap the object in cardboard or another material that will prevent the item from puncturing the CDCR Form 1136-E. However, if the object appears to have forensic evidence (e.g., dried blood stain), the parole agent shall not wrap the object.

The parole agent shall write "SHARP OBJECT" in large letters on the outside flap of the CDCR Form 1136-E.

If the sharp object will not fit inside the CDCR Form 1136-E, the parole agent shall wrap the blade and/or sharp point with cardboard and transparent tape, and then attach a CDCR Form 1136-L in a manner that allows personnel to make entries on the "Chain of Custody" section.

### **85060.2.10 Special Procedures for Currency**

Whenever possible, currency should be photographed in the location where it was found. If feasible, currency shall also be photocopied or photographed so that the serial number of each bill is recorded. To package currency, the following lines of responsibility apply:

#### **Parole Agent**

- In the "Object Description" column of the CDCR Form 1136-E, document the amount of currency, by denomination (e.g., 5 x \$20, 4 x \$1) and the total (e.g., \$104.00).
- Document the total amount of currency, by denomination, on the CDCR Form 1650-D, Record of Supervision.
- After confirmation of the amount by the unit supervisor or designee, place the currency in the CDCR Form 1136-E and seal the envelope.

#### **Unit Supervisor, or Designee**

- Count the currency and confirm the parole agent's total.
- Sign next to the parole agent's signature on the CDCR Form 1650-D.

### **85060.2.11 Special Procedures for Perishables**

Perishable items (e.g., produce, frozen foods, meat) shall not be seized as evidence according to the procedures in this article. If a law enforcement agency will not assist, the perishable item shall be photographed for evidentiary purposes. If the perishable item is evidence of poaching (e.g., animal carcass), the parole agent shall contact the California Department of Fish and Wildlife for assistance.

### **85060.2.12 Special Procedures for Bicycles**

If there are no feasible alternatives and a bicycle must be seized as evidence, the parole agent shall seize it. The parole agent shall record the serial number, if visible, and photograph the bicycle and serial number and attach the photographs to the applicable report. The parole agent shall complete the CDCR Form 1136-E and affix it to the bicycle. The bicycle shall be stored in a locked room in the parole unit.

### **85060.3 Evidence Storage Area Entry and Exit Procedures**

Every entry and exit into the evidence storage area shall be documented on the CDCR Form 1221-A, Evidence Area Entrance and Exit Log. Only the unit supervisor or Parole Agent II, Supervisor, shall enter the evidence storage area. The CDCR Form 1221-A shall be stored in close proximity to the evidence storage area. When a CDCR Form 1221-A is completely filled; it shall be retained in the parole unit by the unit supervisor for three years.

### **85060.3.1 Evidence Storage and Retrieval Procedures**

When the unit supervisor receives an item to be stored in the evidence storage area, the unit supervisor shall make an entry on the CDCR Form 1221, DAPO Evidence Custodian Log. An entry shall be made on the log for each item of evidence. The unit supervisor shall place the item in the parole unit's evidence storage area.

When an item is removed from the evidence storage area, the unit supervisor shall document the removal on the item's line of entry on CDCR Form 1221. If an item is removed and later returned to the evidence storage area, a new line of entry shall be made.

The CDCR Form 1221 shall remain stored inside the evidence storage area.

### **85060.4 Disposal of Evidence Policy**

All evidence in the evidence locker shall be inspected quarterly by the unit supervisor. Items determined not illegal and not needed for a revocation hearing or criminal proceedings shall be returned to the owner or destroyed if no legal owner can be identified. The disposition of all evidence shall be shown on the bottom of the CDCR Form 1136, and on the item's line of entry on the CDCR Form 1221. A receipt shall be obtained and placed in the field file for any item turned over to another agency.

Illegal weapons and drugs shall be taken to law enforcement for disposal. If law enforcement will not accept the illegal weapons or drugs, they shall be taken to the nearest DOJ regional laboratory for disposal.

Controlled substances turned over to DOJ for disposal must be accompanied by the forms listed in section 85060.4.1. These forms are submitted to the court for issuance of an order authorizing destruction pursuant to Health and Safety Code 11474.

### **85060.4.1 Destruction of Controlled Substances Procedures**

Six months after a controlled substance is no longer needed as evidence, the unit supervisor shall:

- Complete the following CDCR forms:
  - CDCR Form 1754, Controlled Substances for Destruction
  - CDCR Form 1755, Destruction of Controlled Substances Peace Officer's Declaration
  - CDCR Form 1756, Court Order-Destruction of Controlled Substances
- Submit the forms to the court for the county in which the controlled substance was found.
- After the court magistrate signs the CDCR Form 1756, contact the law enforcement agency having jurisdiction over the area where the controlled substance was found to participate in a scheduled date for the destruction of the controlled substances.
- Contact the DOJ, Bureau of Forensic services, if local law enforcement will not assist.
- Proceed as directed by DOJ or the local law enforcement agency.

### **85060.5 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

### **85060.6 References**

Health and Safety Code § 11474

Evidence Code §140

Penal Code §§ 311.11-311.12, 667.5, 1192.7, and 1546-1546.4.

## **ARTICLE 41 — LAW ENFORCEMENT AND INVESTIGATIONS**

*Revised June 8, 2017*

### **85070.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to interact with other law enforcement agencies in order to protect the community while supervising offenders.

### **85070.2 Purpose**

The purpose of this Article is to clarify Division of Adult Parole Operations (DAPO) staff responsibilities regarding parolees under surveillance or investigation by the Office of Correctional Safety (OCS).

### **85070.3 Definitions**

#### **Polygraph Examination**

The procedure by which a polygraph examiner renders an opinion as to the veracity of statements made by an examinee.

#### **Polygraph Examiner**

A person with expertise in operating a polygraph instrument for the purpose of determining the truthfulness of statements made by an examinee.

#### **Polygraph Instrument**

An instrument that simultaneously records changes in a person's blood pressure, respiration, and pulse rate.

#### **85070.4 Office of Correctional Safety – Surveillance and Investigations**

OCS serves as a liaison for the exchange of information with other law enforcement agencies, the courts, and District Attorneys throughout California. OCS special agents and peace officers may also conduct surveillance on parolees at the request of other law enforcement agencies or DAPO unit supervisors.

OCS special agents and peace officers shall advise the appropriate DAPO unit supervisor of any surveillance or investigation of a parolee. In cases where the confidentiality of an investigation prevents notification at the unit supervisor level, the OCS Chief shall make the notification to the DAPO Director or designee.

DAPO parole agents shall, as soon as possible, share with OCS special agents and peace officers any lead or any change of status of a parolee if the parole agent is aware that the parolee is under OCS investigation or surveillance.

DAPO parole agents shall not arrest or release a parolee who is under OCS surveillance or investigation except when required by law. Should an arrest be effected, the parole agent shall immediately notify the DAPO unit supervisor and OCS special agent or peace officer. If possible, special agents and peace officers should always be notified prior to the arrest or release of a parolee under OCS investigation.

#### **85070.5 Polygraph Examination**

Polygraph examinations of parolees shall be employed when necessary, with the parolee's consent, if approved by a DAPO unit supervisor. Failure of a parolee to consent to an examination will not in itself constitute grounds to believe that the parolee has committed a parole violation. Polygraph examinations may be administered by either OCS or non-departmental examiners. Examinations by non-departmental personnel for law enforcement investigations will be given at no expense to DAPO and shall be administered in accordance with the conditions established in Department Operations Manual (DOM) Section 14030.9. Requests for polygraph examinations conducted by OCS shall be submitted by the Regional Parole Administrator to the OCS Chief in accordance with DOM Section 14030.6.

Pursuant to Penal Code (PC) Section 9003, polygraph examination for the treatment and management of PC 290 sex offenders shall be administered through the Sex Offender Management Program. For further information regarding polygraph examinations, see DOM, Chapter 1, Article 20, Polygraph.

#### **85070.6 Revisions**

The DAPO Director or designee is responsible for ensuring that the contents of this Article are kept current and accurate.

#### **85070.7 References**

California Code of Regulations, Title 15, Division 3, Section 3293.

DOM §§ 14030.6 and 14030.9.

PC §§ 290, 830.2, 830.5, and 9003.

### **ARTICLE 42 — SUBPOENA**

*Revised November 15, 2016*

#### **85080.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) to abide by all applicable laws relative to the serving of subpoenas on its employees and staff.

#### **85080.2 Purpose**

The purpose of this section is to establish guidelines and outline responsibilities for the handling of subpoenas.

#### **85080.3 Introduction**

Compliance with subpoenas is mandated by State and Federal law and can be compelled by court order. CDCR's duty to preserve the privacy of the records it maintains is also mandated by State and Federal law. The failure to comply with a subpoena can result in civil or criminal sanctions. CDCR has a further obligation to protect the confidentiality

of some documents, the dissemination of which could compromise staff or public safety.

This article applies to employment related subpoenas. DAPO does not accept service of process on personal matters not related to State business.

#### **85080.4 Definitions**

To clarify terminology used in this section, the following definitions are included as a guide. These are not inclusive, and any definitions contained in statutes shall supersede those contained in this section.

##### **Affidavit**

A written declaration made under oath before a notary public or other authorized officer.

##### **Attorney General**

Represents CDCR and/or its employees in court when CDCR becomes involved in legal proceedings.

##### **Consumer**

Generally defined as the individual whose records are being requested.

##### **Court Order**

A direction issued by a court or a judge requiring that something be done or that there is prohibition against some act.

##### **Custodian of Record**

Generally defined as a person charged with custody and control of certain records as part of their duties.

##### **Defendant**

One against whom an action is brought.

##### **District Administrator**

A CDCR administrator of a DAPO unit, district, or geographical area.

##### **In Camera**

Refers to a hearing or discussions with the judge in the privacy of chambers (office rooms) or when spectators and jurors have been excluded from the court room.

##### **Litigation Coordinator**

A person designated to receive and process subpoenas as part of their job or assignment on behalf of CDCR. See Department Operations Manual (DOM) section 14010.17.

##### **Olsonization**

Generally defined as redaction of information.

##### **Parole Agent**

A CDCR employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

##### **Parolee**

A felon released from confinement in State prison or county jail to DAPO supervision.

##### **Party**

Generally defined as any person or entity directly involved in litigation as the plaintiff or defendant.

##### **Parole Violation**

Conduct by a parolee which violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

##### **Plaintiff**

The party that institutes a suit in court.

##### **Regional Parole Administrator**

A CDCR administrator of a DAPO region.

##### **Subpoena for Personal Appearance**

A legal document compelling a witness to appear in court at the time, date, and place specified.

##### **Subpoena Duces Tecum**

A legal document compelling the keeper of a record, document, or file to make the record, document, or file available for examination at the time, date, and place specified.

##### **Summons**

A legal document ordering a person to appear before a judge or magistrate.

##### **Third Party Subpoena**

A legal document issued in a case in which CDCR or its employees are not a party.

##### **Unit Supervisor**



A supervisor of case-carrying parole agents for DAPO.

### **Writ**

A written order issued by a court, commanding the party to whom it is addressed to perform or cease performing some specified act. A party seeking a writ must file a petition in court.

### **85080.5 Legal Documents**

When legal documents are delivered in person or by mail to the division's headquarters, regional headquarters, or a parole unit, staff shall immediately contact the Litigation Coordinator for appropriate handling. Subpoenas may require personal appearance and/or production of documents (subpoenas duces tecum) at a court proceeding. Subpoenas can be issued by attorneys, public defenders, district attorneys, clerks of the court, or judges. Subpoenas can also be issued by the Grand Jury, State and Federal administrative agencies, and the Federal Bureau of Investigations. Legal documents include, but are not limited to, the following:

- Subpoenas for personal appearance.
- Subpoenas duces tecum.
- Writ.
- Summons.
- Court Order.

If the Litigation Coordinator is not available, staff should contact the CDCR Office of Legal Affairs (OLA) and ask for guidance on the acceptance and handling of the particular legal document.

### **85080.6 Service of Subpoenas**

Subpoenas for records of offenders who are currently incarcerated should be served to the institution where the offender is housed.

Generally, subpoenas for an active parolee's parole field file are served to the parole field office to which the parolee reports. Staff shall process the subpoena pursuant to DOM section 14010.6.9.

Subpoenas for records of an active parolee's Electronic Records Management System (ERMS) data and a discharged parolee parole field file should be served to Parole Case Records.

Subpoenas for records of a discharged parolee's ERMS data should be served to the CDCR, Division of Adult Institutions - Archives unit.

Subpoenas for medical records of offenders who have paroled or discharged from parole should be served to the CDCR, Division of Health Care Services - Health Records Center.

Subpoenas for workers' compensation matters should be served to the respective Return-to-Work Coordinator for appropriate handling.

Subpoenas for peace officer personnel records and employee civil cases should be served to the respective Litigation Coordinator.

### **85080.7 Responding to Subpoenas**

Generally, subpoenas are made directly to the witness, parole agent, and a copy to the Unit Supervisor (US). A subpoena duces tecum, a declaration which shows good cause for production of documentary evidence and specifies precisely the documentary evidence to be produced, may be attached or part of the subpoena ad testificandum (subpoena for oral testimony). The declaration shall state the relevance of the evidence to the hearing, and state the requested witness has possession or control of the documentary evidence. If a subpoena requiring a parole agent's personal appearance or production of documents is received, the US shall forward a copy to the Litigation Coordinator. If the parole agent's appearance is not in the best interest of CDCR, OLA staff counsel shall be contacted by the Litigation Coordinator for further processing and possible referral to the appropriate deputy attorney general who will attempt to have the parole agent's attendance excused.

### **Litigation Coordinator**

Writes and submits a follow-up letter to staff counsel of OLA requesting that the parole agent's attendance be excused. The letter shall include the following information:

- Title of the action.
- Court name and file number.
- Name of person subpoenaed.
- Date of appearance.

The Litigation Coordinator shall attach a copy of the subpoena to the letter. Refer to DOM section 14010, Legal Matters, for further processing and details.

### **85080.8 Release of Case Information**

If a parole agent receives a request for case information from an attorney or other interested party, it must be determined that the person making the request has a legitimate right and compelling reason to have the requested information. Care shall be exercised to ensure that confidential information is not divulged under any circumstances.

When it has been established that the person making the request has a legitimate need to know the specific information requested, only that specified information shall be provided. When practical, requests for information shall be written on the requesting party's letterhead stationery. Requests by parolees shall be in writing, signed, and dated. It is important to note that disclosure of confidential information to persons outside CDCR or its counsel may constitute an involuntary relinquishment of the privilege outlined in the Evidence Code (EC).

If there is any question regarding release of information that appears to be of a confidential nature, OLA shall be contacted to provide advice on the release of the information.

See DOM section 13030, Information Practices, and DOM section 13040, Public Records, for additional information regarding the release of information.

### **85080.9 Informal Contacts With Defense and Prosecution Attorneys and Other Interested Parties**

The release of information, absent a subpoena, to these persons is governed by the Information Practices Act, Civil Code (CC) 1798 et seq., specifically, CC 1798.24(e) and 1798.24(o). Information may only be released to certain categories of individuals when it is necessary for these individuals to perform their constitutional or statutory duties, or when it is necessary for an investigation of unlawful activity. These individuals are:

- Attorneys or their designated representative.
- Other law enforcement or regulatory agency personnel.

Under no circumstances may medical information be released pursuant to an informal request.

The EC requires the trial court to weigh public interest served by nondisclosure of relevant information. If a parole agent adheres to guidelines contained in the EC, confidential information will ordinarily be disclosed to the trial court in an in camera, non-adversarial hearing. In order to qualify for the privilege, information must be:

- Acquired in confidence by a public employee.
- Acquired in the course of the public employee's duties.
- Not open or officially disclosed to public prior to the time the claim of privilege (in court) is made.

### **85080.10 Official Information Privilege**

Parole agents may receive information that may be crucial in future criminal prosecutions. It is important that the Rules of Evidence concerning handling of confidential information be followed.

The EC requires the trial court to weigh public interest served by nondisclosure of relevant information. If a parole agent adheres to guidelines contained in the EC, confidential information will ordinarily be disclosed to the trial court in an in camera, non-adversarial hearing. In order to qualify for the privilege, information must be:

- Acquired in confidence by a public employee.
- Acquired in the course of the public employee's duties.
- Not open or officially disclosed to public prior to the time the claim of privilege (in court) is made.

Refer to EC 1040, et seq., for further details.

### **85080.11 Revisions**

The Director, DAPO, or designee shall ensure that this section is current and accurate.

### **85080.12 References**

CC § 1798 et seq.

PC § 1543.

EC § 1040, et seq.

DOM §§ 13030, 13040, 14010, 14010.17, and 14010.6.9.

**ARTICLE 43 — EMERGENCY PROTECTION***Revised February 8, 2018***85090.1 Policy**

Emergency action and employee protection plans and procedures shall be developed and updated annually.

**85090.2 Purpose**

The purpose of this section is to establish duties and responsibilities for the California Department of Corrections and Rehabilitation (CDCR) Division of Adult Parole Operations (DAPO) emergency coordinators and to ensure comprehensive plans and procedures are developed and maintained to protect employees, contractors, volunteers, interns, guests, and State offices. This article also establishes procedures for the temporary relocation of the Warrant Unit during an emergency.

**85090.3 Division of Adult Parole Operations Headquarters Emergency Action and Employee Protection Plans**

The Emergency Planning and Management Unit (EPMU), Office of Correctional Safety (OCS), has oversight of CDCR headquarters emergency preparedness, response, recovery, and damage mitigation functions. EPMU/OCS serves as the single point of contact for CDCR headquarters related to emergency management issues and coordinates the department's interaction with allied agencies, such as city police and county sheriffs. The California Highway Patrol has jurisdiction over those matters related to the security of State offices, property, and occupants of State property pursuant to Government Code Section 14615(b). The DAPO headquarters emergency action and employee protection plans shall encompass the current CDCR headquarters Emergency Procedures Handbook maintained by EPMU/OCS.

**85090.4 Division Headquarters Floor Emergency Personnel Operations Emergency Coordinator**

The division's operations emergency coordinator shall be the Assistant Deputy Director or designee determined by the DAPO Director. The operations emergency coordinator shall:

- Designate the division headquarters floor warden for the CDCR headquarters – Emergency Evacuation Plan (EEP) – Safety Committee.
- Ensure the floor warden attends the EEP – Safety Committee meetings.
- Designate a backup to attend the EEP – Safety Committee meetings in the floor warden's absence.
- Ensure division headquarters' managers and supervisors annually update and maintain a unit supervisor's evacuation roster.
- Review and process the regional emergency action and employee protection plans.

**Floor Warden**

The division's floor warden is designated by the division's operations emergency coordinator and shall:

- Attend the headquarters EEP – Safety Committee meetings and update the division's operations emergency coordinator after each meeting.
- Annually post the current emergency plan poster and evacuation floor map on bulletin boards and other strategic locations.
- Identify and maintain a current roster of emergency team members for their assigned floor.
- Coordinate all emergency actions on an assigned floor upon notification from the Building Emergency Procedures Coordinator (BEPC).
- Direct the evacuation of employees during fires and other emergencies by stationing oneself in front of the floor elevators.
- Notify the BEPC and the operations emergency coordinator about emergency conditions.
- Release emergency team members once all monitors have reported total evacuation.
- Advise the BEPC if any disabled person(s) need assistance evacuating by trained personnel.
- Report completed floor evacuations to the BEPC after all persons have evacuated.

- Collect the supervisors' evacuation roster forms at the evacuation assembly area and assign a messenger to deliver them to the BEPC.
- Direct managers and supervisors on their floor to initiate a cursory search by employees of their immediate work area during bomb threats.
- Direct emergency team members to search all public areas on their assigned floor including lobbies, elevators, storage rooms, restrooms, stairwells, and evacuation routes.
- Report the results of the search to the BEPC.

**Offices and Units Administratively Assigned to Division Headquarters Located Remotely**

Offices and units administratively assigned to division headquarters and situated independently shall identify and comply with the procedures outlined in section 85090.9 for "other DAPO sites."

**85090.5 Regional Emergency Action and Employee Protection Plans**

The DAPO regional emergency action and employee protection plans shall follow the current Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan Guide. The emergency action plan guide provides an outline for inclusions of the region's emergency information, facility overview, emergency organization structure, emergency incident response, evacuation procedures, and training.

**85090.6 Regional Emergency Coordinator's Duties**

The regional emergency coordinator shall be the Assistant Regional Parole Administrator or designee, no lower than a Parole Administrator, determined by the Regional Parole Administrator (RPA). The regional emergency coordinator shall:

- Operate as the emergency coordinator for the Parole Region headquarters.
- Develop and submit the Parole Region headquarters emergency action and employee protection plans as outlined in the Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan Guide to the RPA.
- Ensure regional headquarters managers and supervisors maintain and annually update a unit supervisor's evacuation roster.
- Provide guidance to local emergency coordinators in the development of an emergency action and employee protection plans for parole complexes, offices, and other DAPO sites within the region.
- Ensure that relocated, new, or substantially modified parole complexes, offices, and other DAPO sites submit emergency action and employee protection plans within 60 days of relocation or opening.
- Ensure all parole complexes, offices, and other DAPO sites in the region maintain and annually update emergency action and employee protection plans.
- Review and submit the region's emergency action and employee protection plans annually to the division's operations emergency coordinator.
- Maintain a current copy of the Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan Guide for assisting in the development of emergency action and employee protection plans within the region.
- Annually conduct parole complex, office, and other DAPO site inspections to ensure compliance with the emergency action and employee protection plan.

**85090.7 Emergency Action and Employee Protection Plans – Parole Complex, Office, and Other DAPO Sites**

Every parole complexes, offices, and other DAPO site's emergency action and employee protection plans shall follow the current Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan Guide. The emergency action plan guide provides an outline for inclusion of the specific office's emergency information, facility overview, emergency organization structure, emergency incident response, evacuation, and training.

**85090.8 Parole Complex, Office, Other DAPO Sites Local Emergency Coordinator's Duties**

The office manager of the parole complexes, offices, and other DAPO sites shall serve as the local emergency coordinator. The local emergency coordinator shall:

- Develop the emergency action and employee protection plans as outlined in the Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan Guide.
- Ensure parole complexes, offices, and other DAPO sites' supervisors maintain and annually update the unit supervisor's evacuation roster.
- Assign local emergency floor personnel.
- Direct and supervise activities of building occupants during an emergency.

- Schedule and facilitate quarterly safety meetings.
- Act as liaison with local law enforcement, fire, and related support agencies.
- Notify the regional emergency coordinator of any change of assignment or employment that precludes carrying out the required responsibilities of the emergency coordinator.
- Post the current emergency plan poster in a conspicuous place within the parole complex, office, and other DAPO sites following the annual inspection by regional emergency coordinator and upon approval of the plan.
- Make the emergency action and employee protection plans readily available for staff review by placing the plan in a folder identified "Emergency Action and Employee Protection Plans Procedures" in the support staff work area upon approval of the plan by the RPA.

#### **85090.9 Parole Complex, Office, and Other DAPO Sites Alternate Local Emergency Coordinator's Duties**

An additional Parole Agent III, Parole Agent II (Supervisor), or Case Records Manager of the parole complex, office, and other DAPO sites shall serve as the primary assistant to the local emergency coordinator and acts for the local emergency coordinator in their absence.

The Officer-of-the-Day (OD) shall assume emergency coordination responsibilities in the absence of the local emergency coordinator and the alternate. In locations without an OD, the Case Records Manager on duty shall assume emergency coordination responsibilities.

#### **85090.10 Emergency Action and Employee Protection Plans Process**

The local emergency coordinator shall submit two copies of the emergency action and employee protection plans annually, but no later than March 1st (one in standard black print, and the second in standard black print with any new/updated information in blue print), to the regional emergency coordinator. The regional emergency coordinator shall review the emergency action and employee protection plans for completeness and submits to the RPA for approval. Incomplete emergency action and employee protection plans shall be returned to the local emergency coordinator for correcting. Emergency action and employee protection plans returned to the local emergency coordinator shall be completed and resubmitted to the regional emergency coordinator within 20 working days. Any subsequent corrections shall be completed and resubmitted within five working days from notification.

#### **Regional Parole Administrator**

The regional parole administrator shall review and approve regional emergency action and employee protection plans and shall forward the plans to DAPO headquarters Fidelity Assurance and Outcomes Unit (FAOU) and the operations emergency coordinator.

#### **Operations Emergency Coordinator**

The Operations Emergency Coordinator shall:

- Review regional emergency action and employee protection plans and shall forward to the DAPO director or designee for review.
- Ensure the FAOU keep copies of the approved regional emergency action and employee protection plan for two years in a department approved database.
- Ensure copies of the emergency action and employee protection plans are forwarded to EPMU/OCS annually.

#### **Emergency Planning and Management Unit, Office of Correctional Safety**

EPMU/OCS shall keep copies of the emergency action and employee protection plans, for every parole complex, offices, and other DAPO sites and each parole region headquarters.

#### **85090.11 Updating Personnel Information Procedures**

A confidential memorandum shall be submitted immediately each time a parole agent's identifying and/or contacting information changes and annually by the parole unit supervisor and forwarded to DAPO headquarters to update or confirm any changes in personnel, badge assignment, identification number, State-issued mobile telephone number and parole agent home/personal telephone number. The

information is required for the Warrants Unit to update and maintain the confidential file used to identify field personnel who call the unit.

#### **85090.12 Updating Administrative Officer-of-the-Day Roster Procedures**

A confidential roster, indicating the regional Administrative Officer-of-the-Day (AOD), specifying the AOD for each week of the next quarter in calendar order, and each AOD's name, home telephone number, and cellular telephone number shall be forwarded to DAPO headquarters at least seven days prior to the start of each quarter. A copy shall be routed to the Warrants Unit. Each roster shall include the telephone number of the RPA in the event the AOD cannot be contacted and there is an event requiring an immediate response.

#### **85090.13 Warrant Unit Operation and Relocation During Disasters**

The Warrant Unit operates 24-hours-a-day and acts as a central dispatcher of information regarding warrants issued for parolees-at-large and for placement of parole holds. Additionally the Warrant Unit provides inmate or parolee history, location, and commitment information to law enforcement agencies and other authorized persons. As a natural disaster (earthquake, fire, and/or flood) or an act of terrorism can strike anywhere at any time with little or no warning, planning is necessary in order for the Warrant Unit to continue to function. DAPO has developed a contingency plan for relocating the Warrant Unit to minimize disruptions in service during these unforeseen events.

#### **Procedures**

During a natural disaster, terrorist attack, or any unforeseen event that affects or threatens the Warrant Unit's ability to function at the present location, the Warrant Unit shall temporarily relocate to the following locations, listed in chronological order of alternative, to resume normal operations:

1. Nearest parole unit not affected within Sacramento County
2. Northern Region parole headquarters
3. Nearest parole unit not affected within the Northern Region
4. Southern Region parole headquarters
5. Southern Region Parole Case Records
6. Nearest parole unit not affected within the Southern Region

Bi-annually (every odd year), the Warrant Unit Parole Administrator shall conduct an emergency relocation drill of the Warrant Unit to one of the alternative locations for a shift.

#### **Warrant Unit Supervisor**

It is the responsibility of the Warrant Unit supervisor on-duty to assess and determine the unit's ability to function at the present location due to the emergency and to initiate the contingency plan if necessary. Specifically, the Warrant Unit supervisor on-duty shall be responsible for ensuring:

- On-duty staff collects their laptop computers, if it is safe to do so.
- On-duty staff exit the building in accordance to the Headquarters Emergency Procedures handbook during a building evacuation.
- On-duty staff is assisted with transportation to the alternative location, if needed, and arrive at the alternative location to complete their shift.
- Off-duty staff is notified to report to the alternative work location for scheduled shifts.
- The Warrant Unit is secure upon exiting.
- The Warrant Unit Parole Administrator is briefed on the current situation.
- All incoming calls to the Warrant Unit are transferred to the alternative location or to the Warrant Unit's mobile telephone devices.
- Laptops are set-up to utilize all necessary network databases including the California Law Enforcement Telecommunications System.
- Contact the EPMU/OCS

#### **Warrant Unit Staff**

Upon notification from the supervisor that the Warrant Unit shall relocate due to the emergency, staff shall be responsible for:

- Collecting their State-issued laptop computer, if it is safe to do so.
- Exiting the building.
- Reporting to the alternative location.
- Resuming Warrant Unit duties.

#### **Parole Administrator**

Upon notification from the supervisor that the Warrant Unit shall relocate due to an emergency, the Warrant Unit Parole Administrator shall be responsible for:

- Contacting the parole unit's unit supervisor or District Administrator to advise of the Warrant Unit's plan to occupy the alternative parole unit location.
- Contacting the region's Assistant Regional Administrator to advise of the Warrant Unit's plan to occupy a Northern or Southern Region location.
- Contacting the Associate Director to inform them of the unit's emergency relocation plan.
- Monitoring the emergency to determine when it is safe to return to the primary location.
- Ensuring the Warrant Unit has the necessary items to resume and continue functioning during the relocation period.

#### **Equipment**

In order to achieve steps within the contingent plan, DAPO shall provide the Warrant Unit with the following State-issued equipment:

- Laptop computers with a desktop docking station.
- State-issued mobile phones for use during the relocation period.

The Warrant Unit supervisor shall ensure that the laptops are set up with the necessary network access including CLETS in order for the Warrant Unit staff to carryout it's duties.

#### **85090.14 Revisions**

The DAPO Director or designee is responsible for ensuring that the contents of this Article are kept current and accurate.

#### **85090.15 References**

Government Code Section 14615(b).

CCR Title 8 § 3220 Emergency Action Plan.

California Highway Patrol Handbook 100.3, California State Agency Emergency Action Plan.

CDCR Headquarters Emergency Procedures Handbook.

### **ARTICLE 44 — PAROLE POLICY REVISIONS AND DISTRIBUTION**

*Revised May 1, 2017*

#### **85091.1 Policy**

The most current versions of the official manuals and directives used by staff in the Division of Adult Parole Operations (DAPO) are available electronically on the California Department of Corrections and Rehabilitation (CDCR) internal website. The DAPO Director or designee shall review DAPO's policies at least annually and ensure recommended changes are submitted to the CDCR Regulation and Policy Management Branch or other outside stakeholder divisions or agencies. The DAPO Director or designee shall ensure that the preparation of a mission statement and long-range goals are also reviewed at least annually and updated if needed to meet DAPO's goals. The DAPO Director or designee, with input from staff, is responsible for the formation of goals, establishing policies and priorities related to them, and translating the goals into measureable objectives for accomplishment by field staff. The planning process for DAPO policies shall address the supervision and service needs of DAPO.

#### **85091.2 Purpose**

The purpose of this article is to establish guidelines for the revision and distribution of official DAPO manuals and directives.

#### **85091.3 Revising Parole Operations Policies**

A DAPO policy or procedure may be added, deleted or modified by revising the policy in accordance with Chapter 1, Article 6, Regulations and Policy Directives. The DAPO Policy and Procedures Unit will review departmental directives and publications (and those of other agencies), court decisions, and legislative bills for impact upon parole policies and procedures. If a DAPO policy or procedure is affected, the Policy and Procedures Unit shall initiate a revision and circulate the proposed policy change for field input and Regional Administrator review, route through the appropriate channels for DAPO headquarters review, and approval of the DAPO Director. DAPO shall encourage all levels of staff to participate in the development and review of policies, procedures, rules, and regulations.

A field initiated suggestion for a revision to the DOM may be submitted in writing and routed through channels to the Policy and Procedures Unit. The Policy and Procedures Unit will review and may recommend the field initiated suggestion as a policy change. Approved policy revisions will be issued electronically, and disseminated to CDCR staff via statewide electronic mail distribution.

A Notice of Change to DOM (NCDOM) will be disseminated by the Regulation and Policy Management Branch (RPMB) in accordance with Chapter 1, Article 6.

#### **85091.4 Requesting California Code of Regulations, Title 15, Annual Printed Version**

A printed version of the California Code of Regulations (CCR), Title 15, Division 3, is ordered annually by RPMB and shipped for distribution to the DAPO headquarters office, regional headquarters offices, and field parole units.

#### **Ordering Procedures:**

##### **Policy and Procedures Unit**

Completes the annual CCR, Title 15 order upon request from RPMB. Maintains the current distribution list for the DAPO headquarters office. Consolidates the DAPO annual statewide CCR, Title 15 order, and submits to RPMB in accordance with Chapter 1, Article 6.

##### **Regional Training Coordinator (As Changes Occur)**

Maintains the current distribution list for the regional parole headquarters offices and field parole units and forwards to the Policy and Procedures Unit annually, by the date requested.

#### **Distribution Procedures:**

##### **Regional Training Coordinator**

Verifies receipt and ensures proper distribution of the CCR Title 15 for the regional parole headquarters office and field parole units. Forwards copies of shipping receipts to the DAPO Policy and Procedures Unit.

##### **Policy and Procedures Unit**

Verifies receipt and ensures proper distribution of the CCR Title 15 for the DAPO headquarters office; reconciles orders and statewide distribution from DAPO headquarters and regional shipping receipts.

#### **85091.5 Annual Policy Review**

Regional Administrators will monitor their operations and organizational structure to determine the efficiency with which the goals and objectives of their parole region are being met. The monitoring process includes an annual review by administrators and functional managers to assure that the present structure and procedures are efficient means of accomplishing CDCR goals. Annually, DAPO executive staff will review the results of the annual regional reviews to evaluate progress.

#### **85091.6 Communication of Policies and Procedures**

All personnel should participate in staff meetings to facilitate a better understanding of policies, procedures, and progress for effective performance of their respective duties.

- Regional staff shall meet with administrators and supervisors at least monthly.
- Field administrators and supervisors shall meet at least monthly.
- Unit supervisors, parole agents, and other personnel in each unit shall meet at least monthly.
- Summary minutes of staff meetings shall be taken and distributed to appropriate staff members.
- Unit meeting minutes along with a completed CDCR Form 844, Training Participation Sign-In Sheet shall be forwarded to the divisional and regional training coordinators.
- Regional executive meeting minutes along with a completed CDCR Form 844 shall be forwarded to the regional training coordinator.

#### **85091.7 Revisions**

The DAPO Director or designee shall ensure that this section is current and accurate.

#### **85091.8 References**

American Correctional Association Standards 4-APPFS-3D-04, Policy and Goal Formulation; 4-APPFS-3D-05, Goals, Policies, and Priorities; 4-APPFS-3D-06, Annual Policy Review; and 4-APPFS-3D-07, Participation.

### **ARTICLE 45 — ADMINISTRATIVE OFFICER-OF-THE-DAY**

*Revised July 3, 2018*

**85092.1 Policy**

The Regional Parole Administrator (RPA) shall be responsible for the implementation of the Division of Adult Parole Operations (DAPO) Administrative Officer-of-the-Day (AOD) procedures. An AOD shall be assigned at each parole region for issues that may arise during non-business hours. The AOD shall maintain the authority and responsibility for making administrative decisions and disseminating information regarding serious incidents throughout the region in the absence of the RPA during non-business hours. Additionally, the AOD shall be the point of contact regarding serious incidents when a unit supervisor is not reachable during non-business hours.

All references to AOD in this article refer to the DAPO AOD.

**85092.2 Purpose**

To standardize the AOD's functions, authority, duties, and responsibilities.

**85092.3 Responsibility**

The AOD shall be a DAPO peace officer at the rank of Parole Agent III, possessing supervisory experience and authority to make decisions in the absence of the RPA. The AOD shall be responsible for ensuring administrative requirements are met and appropriate notifications are made relative to operational issues during other-than-normal duty hours.

**85092.4 Administrative-Officer-of-the-Day Duty Schedule**

RPAs are normally exempt from AOD duty; however, they may serve as AOD if needed. RPAs shall publish the AOD duty schedule in advance, every three months. The AOD schedule shall specify the name and period of time that each AOD shall be assigned the duties.

The Chief Deputy Regional Parole Administrator shall not normally be required to be assigned to the AOD rotation schedule, but may be added at the discretion of the RPA.

Parole Administrator Is shall not normally be required to be assigned to the AOD rotation schedule, but may be added at the discretion of the RPA.

Staff assigned to division or regional headquarters shall not normally be required to be assigned to the AOD rotation schedule, but may be added at the discretion of the DAPO Director, RPA, or designee.

Any anticipated change in the AOD duty schedule shall be approved in advance by the RPA or their designee.

AOD personnel are permitted to request a "trade" in assignment coverage. The "trade" arrangement between AODs shall be submitted by memorandum to the RPA for approval not less than 24 hours prior to assigned period of duty.

The AOD period of duty shall commence at 5:00 p.m. Friday and shall conclude at 5:00 p.m. the following Friday. The AOD shall call the Warrant Unit prior to the beginning of their first AOD shift and provide the Warrant Unit with their name and contact numbers.

Each designated AOD shall familiarize themselves with the duties and responsibilities unique and particular to their own regional instruction packet.

**85092.5 Training**

RPAs shall assure all new AODs are provided with the proper training and job orientation.

The AOD should be knowledgeable of the following procedures relative to their duties as the AOD:

- Staff death or serious injury.
- Parolee death.
- Field incident reports.
- Use of deadly force.
- Employee relations/grievances/discipline.
- Natural/man-made disaster plans.
- Mutual aid requests.
- Incidents involving high notoriety/public interest.
- Incidents involving negative contact with the public.
- Media contact or presence.
- Information Practices Act.
- Any other procedures unique to their region.

**85092.6 Instructional Packet**

Twice annually, RPAs shall communicate expectations and duty requirements to all staff designated as AODs.

An AOD instructional packet shall be developed for each parole region. The packet shall include a notification matrix for the AOD to utilize, and specific examples of:

- Situations and how they are handled.
- Departmental/institution/parole region changes.
- Current parole functions.
- Activities involving outside agencies.

The packet shall provide a list of business and after-hour contact telephone numbers for the following:

- Administrative staff.
- Appropriate outside agencies.
- Medical facilities.
- Police/sheriff departments.
- Institutional AODs.
- Departmental AODs.
- Parole agents.
- Unit supervisors.
- Assistant unit supervisors.
- District administrators.
- Judge/district attorney for after-hours warrant requests.

**85092.7 AOD Duties/Responsibility**

It is the responsibility of each AOD to keep the Warrant Unit informed of their contact information during their tour of duty.

The AOD shall become familiar with any special circumstances or existing situations occurring in the parole region prior to assuming the AOD duties.

In all circumstances or incidents of a serious nature where the AOD is contacted regarding a region incident, he/she shall immediately contact their RPA or designee telephonically and communicate the incident, action taken, and current status of the situation to the RPA, or their designee. A written report shall be prepared by the AOD and submitted to the RPA within 24 hours of the incident regarding AOD contact.

On the first working day following the incident, the unit supervisor of the responsible parole unit shall gather all of the field incident reports or notices of unusual occurrences that are completed by parole staff and submit to the RPA. The AOD shall maintain a daily call log detailing all phone calls received.

**85092.8 Administrative Officer-of-the-Day Unit Supervisor Relationship**

The parole region AOD shall be contacted when any unusual incident/situation occurs and when the unit supervisor is not available during non-business hours. From the information provided, the parole region AOD shall determine the necessary staff/resources, outside agencies, and other resources required to establish and maintain control of the situation.

**85092.9 Administrative Officer-of-the-Day Contact Responsibilities**

The unit supervisor shall contact the AOD on questions of policy, and all matters of unusual occurrences during non-business hours. Accurate information, details, and recommendations shall be provided by the unit supervisor to enable the AOD to make sound decisions and complete necessary reports.

The AOD shall be contacted in all incidents involving, but not limited to:

- Staff death or serious injury.
- Staff arrests.
- Parolee death.
- Use of deadly force or any use of force that could have caused death or great bodily injury.
- Any strike to the head of a person with a baton and/or impact munitions.
- Threats against public officials.
- Natural/man-made disasters.
- Mutual aid requests.
- Incidents involving high notoriety public interest.
- Incidents involving the public.
- Media contact or presence.

- Other items outlined in the instructional packet.

When the unit supervisor is unable to contact the AOD, notification of an incident shall be communicated to the RPA or their designee.

When a unit supervisor or the AOD receives information of an incident after hours, they shall immediately contact their RPA or designee telephonically. The RPA or designee shall then contact the DAPO Director or designee. All telephonic contact will be followed up with a written summary of the incident provided to the RPA by no later than 8:50 a.m. the next working day.

The AOD shall also be responsible for contacting the Office of Inspector General (OIG) Disciplinary Monitoring Unit (DMU), and the Office of Internal Affairs (OIA) to report the following types of incidents:

- Any use of deadly force, regardless of result, including deadly force used against animals.
- Any use of non-lethal force that results in death or great bodily injury (one that creates a substantial risk of death).
- Any on-duty death or serious injury (one that creates a substantial risk of death) of a departmental staff member.
- Any off-duty death of a departmental staff member when the death has a nexus to the employee's duties within the department.
- Any death or serious injury of a parolee involved, or in contact with, DAPO staff.
- Any incident clearly involving major misconduct or negligence by a staff member.
- Incidents of high notoriety or significant interest to the public.

The OIG DMU and the OIA shall be notified as soon as possible, but no later than one hour from the time the incident is discovered. Notification to the OIG DMU shall be made by calling the OIG 24-hour critical incident notification telephone number at (916) 599-9647. Notification to the OIA shall be made by calling the OIA AOD at (916) 255-1691. If there is no answer, the caller will leave a voicemail message and a call-back number if additional information is required.

During non-business hours and in the absence of the Unit Supervisor, the AOD, upon notification shall also be responsible for contacting the nearest district California Occupational Safety and Health Administration (CAL-OSHA) office regarding any employee's serious workplace injury, illness, or death via telephone **within eight hours of knowledge of the injury/illness/death**.

CAL-OSHA considers the following conditions to be "serious injuries/illnesses":

- An injury/illness causing the need for inpatient hospitalization for **more than 24 hours**, for more than simple observation.
- Loss of any member of the body.
- Serious permanent disfigurement – scars, fractures, or burns that do not heal properly.

For incidents that occur during normal business hours, the respective RPA shall be responsible for making incident notification to appropriate executive staff, OIG, and OIA.

All OIG and OIA notifications shall be reported to DAPO Policy and Procedures Unit via the daily report process. In addition, information regarding OIG and OIA notifications must be included on a CDCR Form 1662-A, Field Incident Report: Part A – Cover Sheet, in the section titled "Description of Crime / Incident."

A notification matrix shall be used as a guide for the AOD to determine events to be reported and to whom they are to be reported.

#### **85092.10 Written Reports**

Incidents/events occurring during non-business hours and deemed serious in nature, which are of public or departmental interest, shall be reported to the AOD. Within 24 hours, the AOD shall prepare and submit a written report concerning the contact to the RPA.

#### **85092.11 CDCR Form 1662, Field Incident Report: Preliminary Incident Notification**

The CDCR Form 1662, Field Incident Report: Preliminary Incident Notification, is DAPO's initial report that an incident of departmental interest has occurred. This form shall be used by the AOD to provide written documentation of all reportable incidents. It is essential that all

information available at the time of the incident be documented on this report, and completed in accordance with DOM Chapter 8, Articles 3, 4, and 5.

#### **85092.12 Revisions**

The DAPO Director or designee shall be responsible for ensuring the contents of this article are current and accurate.

#### **85092.13 References**

Title 15, CCR §§ 3276, 3291, 3380-3383, 3450.

Title 8, CCR § 342.

DOM, Chapter 5, Article 3, and Chapter 8, Articles 3, 4, and 5.

PC §§ 830, 832.2 (f), 830.5 (a) and (b).

ACA Standards 4-4206.

### **ARTICLE 46 — FIREARMS AND SAFETY EQUIPMENT POLICY**

*Revised April 13, 2017*

#### **86010.1 Policy**

While on duty, Division of Adult Parole Operations (DAPO) peace officers, Parole Agent I through the Director, shall only carry equipment that is either issued by the California Department of Corrections and Rehabilitation (CDCR), DAPO or meets the standards and conditions set forth by DAPO. While off-duty, parole agents shall exercise caution in storing all safety equipment, including firearms, to prevent loss or access by unauthorized persons. Additionally, all armed parole agents, or retired parole agents with a Carry Concealed Weapon (CCW) authorization, whether on or off-duty shall ensure qualifications are satisfied in accordance with this policy.

Great caution and sound judgment shall be exercised when carrying and using firearms; and, the preservation of public safety and the safety of staff involved are of primary importance.

#### **Public Safety**

The need for the preservation of public safety compels staff to use extreme caution in the use of firearms. When firearms are used, the peril of injury or death to bystanders is always present. If there is no clear and present danger to another person or to the parole agent, other less lethal means, including later apprehension, shall be used. Situations may arise when it becomes necessary for a parole agent to use a firearm in a populated area. For example, a situation may exist where, if immediate action is not taken a parolee or other person could inflict great bodily harm upon a hostage, a bystander or the parole agent. In those situations, it is the parole agent's duty to take measures necessary to prevent death or injury to a member of the public or to the parole agent.

#### **Staff Safety**

If there is a reasonable belief that clear and present danger to the life of the parole agent or another person exists, and if the parole agent feels that immediate action must be taken to dissipate that danger, it is the parole agent's responsibility to take that action. A parole agent is expected to use good judgment in evaluating situation and then to act in accordance with that evaluation. A decision made and action taken in response to field conditions is the responsibility of the parole agent involved. It is not expected that the parole agent will hesitate when hesitation would result in death or serious injury to the parole agent or to some other person.

The fact that the parole agent is or is not armed will not be the primary determinant of whether the agent responds to a situation or whether the agent should remain at the scene of a potentially dangerous situation. These decisions, along with when and under what conditions a parole agent should become involved in cooperative efforts with another law enforcement agency, shall be based on safety and tactical judgments. A parole agent is not expected to engage in activities that are unreasonably hazardous simply because the parole agent is armed with a firearm.

#### **86010.2 Purpose**

This section establishes methods and procedures for the use, storage, and accountability of firearms, ammunition, expandable batons, chemical agents, and Electronic Control Devices (ECD) also known as a "Taser" for parole agents assigned to DAPO.

#### **86010.3 Parole Agent Firearm**

All DAPO peace officers, hired after January 1, 1988, shall be mandatorily armed and supplied with a Division-issued firearm upon successful completion of the Basic Parole Agent Academy (BPAA) or DAPO-approved firearms training as approved by the Director, utilizing the Division-issued firearm. The parole agent shall be required to retain the same Division-issued firearm, absent the need for

replacement, until separation from service or transition to a Division-approved personally owned firearm, hereinafter referred to as "Personal Firearm."

The Division-issued firearm shall be the Smith and Wesson (S&W) Military and Police (M&P) full-size semi-automatic pistol. Parole agents may elect to transition to a Personal Firearm for on-duty use, upon successful completion of the BPAA and upon successful completion of qualification with the Personal Firearm. Upon the approval of a Personal Firearm for on-duty use, the parole agent shall immediately surrender their Division-issued firearm.

Unless specifically revoked, all parole agents issued a Division-issued firearm are authorized to carry a Division-issued firearm while off-duty. Parole agents electing to carry a Division-issued firearm off-duty do so at their own risk and may be subject to the same liability as a legally armed citizen. The carrying of Division-issued firearms during the course of off-duty secondary employment is strictly prohibited.

All parole agents appointed after January 1, 1988, are required to have a firearm issued to them, and be armed while engaged in field activities; i.e.; conducting home visits, conducting collateral contacts, attempting to locate or make contact with a parolee, or participating in any law enforcement activity. There is, however, no such authority with parole agents who are discretionally armed (appointed before January 1, 1988) to mandate that they be armed while on-duty.

#### 86010.4 Personal Firearms

All parole agents carrying a Personal Firearm on-duty must submit a CDCR Form 2282, Personal Firearm Authorization prior to their initial use during quarterly range qualification for authorization to carry the firearm on-duty. Thereafter, CDCR Form 2282 shall only be submitted each time a parole agent replaces their Personal Firearm with a different Personal Firearm. If the parole agent elects to carry a different Personal Firearm the parole agent shall qualify with the new Personal Firearm prior to on-duty use. The replaced Personal Firearm shall not be carried unless the parole agent elects to qualify at the next scheduled qualification. The parole agent shall submit a CDCR Form 2282 to the Rangemaster documenting the make, model, serial number, and caliber of their Personal Firearm. The Rangemaster shall inspect the Personal Firearm, noting the condition and cleanliness on the CDCR Form 1242.

During the Personal Firearm qualification process, the parole agent shall demonstrate shooting proficiency by:

- Disassembling and assembling of the firearm (if qualifying with a new firearm).
- Deploying and manipulating the firearm in a safe manner.
- Clearing all malfunctions incurred while shooting.
- Obtaining a qualifying score with the approved course of fire.

Upon signing and approving the CDCR Form 2282, a copy of the CDCR Form 2282 shall be issued to the parole agent and his or her supervisor. The original shall be routed to the RTC for entry of the firearm's information into the Centralized Armory Tracking System (CATS).

If the parole agent fails to perform any of the steps outlined above, the request to carry a Personal Firearm shall be denied. If at any time, the Rangemaster determines the parole agent is unable to adequately manipulate their Personal Firearm or that the Personal Firearm is not functioning reliably for duty use, the request for authorization to carry the firearm shall be denied or revoked. The denial or revocation shall be documented on a completed CDCR Form 2282 and routed as noted above. If the authorization is revoked, the parole agent shall no longer be authorized to carry their Personal Firearm on-duty or off-duty until a qualifying score is achieved or until the parole agent secures written confirmation of repair by a qualified armorer/gunsmith and submits the repair verification to the Rangemaster for approval. It is the parole agent's responsibility to correct the deficiency prior to submitting a new authorization request.

A parole agent may carry their Personal Firearm while off-duty if in compliance with the quarterly qualification requirements. The parole agent may not qualify with a personally owned non-duty firearm during work hours, and shall sign a CDCR Form 2281-A, Range Liability Waiver for Off-Duty or Retiree. The CDCR Form 2281-A shall be forwarded to the Regional Training Coordinator and retained in the

employee's training file. If the parole agent is using a non-duty firearm it shall meet the following requirements:

Non-Duty Firearms used for off-duty qualification shall be:

- A double action semi-automatic pistol.
- A single action semi-automatic pistol with an external safety.
- A double action revolver.
- A .22 to .45 caliber (includes 9mm and 10mm).

The following firearms are not permitted:

- Single action revolver.
- Derringer type pistol.
- Shotgun.
- Rifle.
- Black powder guns.

Prior to use, all firearms and ammunition shall be inspected by the Rangemaster. Any firearm deemed unacceptable or unsafe shall be removed from the range and not used.

#### 86010.5 Personal Firearm for On-Duty Use

All parole agents may elect to carry a Personal Firearm for on-duty use. The Personal Firearm, magazines, magazine carrier, and holster shall be purchased at the employee's expense and comply with existing DAPO policies regarding firearm and safety equipment.

The following Personal Firearms are authorized for on-duty use:

##### *Smith & Wesson Models*

- S&W M&P-series compact or full size semi-automatic 9mm or .40 caliber firearm.
- S&W M&P Shield semi-automatic 9mm or .40 caliber firearm (Parole Agent IIIs and above only).

##### *Glock Models*

- Glock-series subcompact, compact or standard semi-automatic 9mm or .40 caliber firearm.
- Glock subcompact (slimline) semi-automatic 9mm or .40 caliber (i.e. Glock 43) (Parole Agent IIIs and above only).

Prior authorized firearm models 2<sup>nd</sup> and 3<sup>rd</sup> generation S&W semi-automatic 9mm or .40 caliber and Heckler and Koch Universal Self-Loading Pistol (Variant 1 or Variant 2 with external safety) in 9mm or .40 caliber are no longer authorized unless the firearm was consistently used on-duty prior to the implementation of this DOM article. In the event a prior authorized firearm model needs repair and the firearm can be repaired in 60 days the firearm can still be used for on-duty use after the repair is completed and inspected by a rangemaster.

#### 86010.6 Firearm Modifications

Parole agents may purchase and install, at their own expense, the following modifications to their Personal Firearm(s):

Night sights	Grip sleeves/wraps	Magazine adaptors*
Aftermarket sights	Aftermarket grips	Pistol-mounted lights
Magazine well/grip adapter	Extended slide release/stop	

*\*Magazine adaptors either increase the capacity of a standard magazine, increase the grip length, or allow for the use of large magazines in compact pistols by the addition of a grip portion placed onto the magazine.*

The only approved modification to the Division-issued firearm is the installation of a grip sleeve/wrap, at the parole agent's expense. Modifications to the factory-set trigger pull shall **not** be permitted on any duty firearm.

Any modifications to a firearm (personal or Division-issued) are subject to inspection by the designated Lead Rangemaster. The Lead Rangemaster has the discretion to have the modification removed or to prohibit the firearm from duty use, if it is being used in a manner which compromises the safe operation of the firearm.

#### 86010.7 Pistol-Mounted Lights

Parole agents may elect to use a pistol-mounted light, while on duty. Pistol-mounted lights and associated equipment, including approved holsters, rail adaptors, pressure switches, batteries, etc., shall be purchased at the parole agent's expense with no reimbursement by DAPO. Pistol-mounted lasers are **not** authorized for use.

Pistol-mounted lights employing an ambidextrous push/toggle switch to provide single-finger operation for either momentary or constant-on operation and grip activated switches are approved for on-duty use.

The following pistol-mounted lights meet DAPO-approved standards and are authorized for on-duty use:

Streamlight	Insight Technologies	Surefire	Blackhawk
TLR Series	M or X Series	X Series	Xiphos Series

Pistol-mounted lights are considered part of the firearm weapon system and shall be carried in a DAPO-approved holster. All DAPO-approved holsters designed to carry pistol-mounted lights shall also meet the following requirements:

- The parole agent shall use a DAPO-approved holster that allows the operator to carry the firearm with the pistol-mounted light attached.
- The parole agent shall have the light securely attached to the firearm while in use and shall not require removal to holster the firearm.

#### Pistol-Mounted Light Approval Process

Prior to use, the parole agent shall successfully complete the DAPO-approved pistol-mounted light initial training course. During training, the parole agent shall have their firearm, pistol-mounted light, and holster inspected by a DAPO Rangemaster to ensure compliance with this policy. The parole agent shall demonstrate the following skills with their firearm, pistol-mounted light, and DAPO-approved holster prior to approval:

- Obtaining a qualifying score utilizing the DAPO-approved diminished light pistol qualification course and maintain qualification at least annually.
- Safely deploying and manipulating the firearm with the pistol-mounted light.

*Any parole agent who fails to achieve a passing score during the pistol-mounted light training, or annual diminished light pistol qualification course shall not be authorized to use a pistol-mounted light.*

The completed training shall be documented on the CDCR Form 2283 noting the make, model, serial number, and caliber of the parole agent's firearm; and the make and model of the pistol-mounted light. A copy of the CDCR Form 2283 shall be forwarded to the RTC for recording in CATS and retention in accordance with current DAPO policy. The parole agent who completed the training shall ensure a copy of the approved CDCR Form 2283 is provided to their supervisor for placement into their supervisory and training files.

The authorization to use pistol-mounted lights is conditional and may be suspended, revoked, or canceled with cause, as determined by the Regional Parole Administrator or designee.

#### Required Use of Handheld Flashlights

Pistol-mounted lights **shall not** be considered a replacement for a handheld flashlight and any parole agent carrying an approved pistol-mounted light shall also carry a handheld flashlight to use as a light source in accordance with current DAPO policy.

#### Unauthorized Use of Pistol-Mounted Light

The parole agent **shall not** use the pistol-mounted light as a means of illumination in any circumstance where the drawing of the firearm is not warranted, including but not limited to searching for evidence.

#### 86010.8 Approved Holsters

Approved holsters must be equipped with a covered trigger guard; employ a thumb break, thumb release, finger release or manual release retention strap; and be secured to the belt. Paddle type holsters shall not be authorized for on-duty use, unless assigned to a Division or Regional Headquarters office. Rangemasters shall inspect the parole agent's holster to ensure it is in compliance with this policy before approved for duty use.

The following types of holsters are approved:

- Outside-the-belt, hip holsters worn on the strong side.
- Outside-the-belt, thigh holsters. (For tactical use only, must be wearing identifiable clothing that identifies the parole agent as a peace officer.)

An approved holster may be used by a parole agent if they achieve a qualifying score while wearing the approved holster. If the parole

agent chooses the option of an additional holster, a qualifying score must be obtained once per calendar year using that holster.

#### 86010.9 Ammunition and Ammunition Carriers

##### Ammunition

Only Division-issued ammunition shall be utilized while the parole agent is on-duty. If the parole agent elects to carry their Personal Firearm while off-duty, Division-issued ammunition can be carried in the firearm; however, the ammunition may only be used in situations that would be consistent with approved uses while on-duty. Division-issued ammunition shall not be modified or altered.

Unauthorized use of Division-issued ammunition while off-duty would include:

- Any type of target or range practice.
- Any discharge of a firearm where the use of deadly force would not be authorized.

##### Ammunition Carriers

Parole agents who carry a S&W Model 64 revolver shall carry, in addition to a fully loaded firearm, a fully loaded speed loader secured in a pouch that requires an overt action by the parole agent to remove the speed loader.

Field parole agents, who carry a Division-issued firearm or Personal Firearm, shall carry the firearm fully loaded with at least one additional magazine. Additional magazines may be carried by the parole agent; however, are not mandatory unless the parole agent is participating in range qualification or planned arrests (two additional magazines required). When carrying additional magazines, the parole agent shall carry the magazines in a carrier equipped with an over-the-top strap or friction retention, which relies upon drag tension to retain the magazine. The magazine carrier shall also be secured in such a manner that it will remain secure during a wide range of movements or vigorous activity. Additional magazines not carried by the parole agent shall remain accessible at all time while on-duty.

#### 86010.10 Back-up Firearm

Parole agents assigned to the California Parole Apprehension Team or other specialized team may carry on-duty, a personally owned back-up firearm, upon the approval of the Director or designee. To obtain approval the parole agent must request approval through their Parole Administrator and successfully complete a DAPO-approved Back-Up Firearms Training Program. After completing the Back-Up Firearms Training Program the parole agent must complete a CDCR Form 2283, Non Standard Weapon or Equipment Authorization along with a CDCR Form 2282 and submit the forms through the chain-of-command to the Director or designee. Only after approval by the Director or designee may the back-up firearm be carried on-duty. The back-up firearm may be carried concealed on the ankle or concealed/unconcealed on a ballistic or tactical vest, provided the holster is equipped with a trigger guard and employs a thumb break, thumb release, finger release, or manual retention strap that secures the firearm during vigorous activity. The back-up firearm shall only be carried with a primary on-duty firearm and shall meet the following requirements:

- Must utilize Division-issued ammunition that is 9mm or .40 caliber.
- Has a minimum capacity of five rounds.
- Must be a subcompact or subcompact (slimline) semi-automatic pistol S&W M&P or Glock.

The back-up firearm may be used under the same circumstances as the primary on-duty firearm.

All parole agents utilizing a back-up firearm shall qualify with the back-up firearm a minimum of once every quarter.

#### 86010.11 Parole Agent Arming

All peace officers, parole agent through the Director, hired after January 1, 1988, shall be mandatorily armed with a DAPO-approved firearm for on-duty use and the firearm shall be carried when exercising duties that pose a risk to officer or public safety or if in the supervisor's judgement, the carrying of the firearm will enhance officer or public safety.

All parole agents ineligible for a reduced arming level shall be mandatorily armed with the following safety equipment when exercising duties that pose a risk to officer or public safety:

- Firearm with a chambered round, full magazine inserted, and safety on (if equipped).
- At least one additional magazine in an approved magazine carrier.
- Handcuffs in a holder.
- State Identification Card.
- CDCR Form 2229, Firearm Qualification Card.



- Badge (neck badge or belt badge that is visibly displayed and worn on the strong side forward of the firearm, if unconcealed).
- Oleoresin Capsicum (OC) spray or expandable baton.
- Approved ballistic vest.
- ECD (if issued).

The firearm and safety equipment may be worn in an unconcealed manner while in the confines of DAPO parole units and administrative offices. While in the field, the firearm and safety equipment shall be worn in a concealed manner except during approved training exercises or tactical field situations; i.e., enforcement mode, where concealment may create safety concerns.

All other safety equipment (e.g., flashlight or one additional magazine in an approved magazine carrier) not mandated for on-duty use shall remain accessible to parole agents at all times while on-duty. Parole agents authorized for reduced arming shall not be required to maintain access to their non-mandated safety equipment while on duty, but are encouraged to do so.

#### **86010.12 Reduced Arming**

Parole agents who are assigned to any of the following positions shall have the option of utilizing a reduced arming level:

- A parole agent position in a Division or Regional Headquarters office.
- Court Agent or Notice Agent including the Parole Agent II, Supervising Court Agent while performing their regularly assigned duties
- Parole Agent III assigned to a parole unit while **not** engaged field activities (defined in DOM 86010.25).
- Parole Administrators or above.

Reduced arming shall consist of:

- Firearm worn in a concealed or unconcealed manner utilizing an inside or outside the waistband holster.
- An approved holster as described in DOM 86010.8, a friction retention holster that securely retains the firearm during vigorous activity and a wide range of movements without hindering firearm access, retention, or deployment, or an inside-the-waistband holster.
- Firearm with a chambered round, full magazine inserted, and safety engaged (if equipped).
- State Identification Card.
- Firearm Qualification Card.
- Badge (neck badge or belt badge that is visibly displayed and worn on the strong side forward of the firearm).

#### **86010.13 Firearms Qualification**

All parole agents armed with a DAPO-approved firearm for on-duty use shall be required to qualify quarterly during the normal quarterly qualification period; i.e., first quarter – January, February, March; second quarter – April, May, June; third quarter – July, August, September, and fourth quarter – October, November, December. This qualification shall be at a DAPO-approved range and approved by a supervisor.

The parole agent shall have the entire quarter in which to achieve a qualifying score of 75 percent on the DAPO-approved course of fire. If the parole agent fails to achieve a qualifying score of 75 percent during quarterly qualification, the parole agent shall be scheduled to complete and achieve a qualifying score of 70 percent utilizing the Peace Officer Standards and Training (POST) 36-round course of fire and may also be required to participate in a shooter's clinic. Firearms shall not be removed from the parole agent **within** the quarter unless the parole agent demonstrates unsafe handling of the firearm as determined by a Rangemaster or supervisor.

Training schedules shall be made available to staff prior to each quarter, affording staff multiple opportunities to schedule firearms training. It is incumbent upon each parole agent that signs up for firearms training to report as scheduled and be prepared to complete the training. If the parole agent fails to achieve a qualifying score by the end of the quarter, they shall lose authorization to carry a firearm, and shall physically surrender their Division-issued firearm to their supervisor or Regional Training Coordinator (RTC) on the first

working day of the new quarter. If the parole agent's duty firearm is a Personal Firearm, the supervisor shall advise the parole agent in writing that they are not authorized to carry the firearm on or off-duty until they have qualified with their Personal Firearm. A copy of the written notice shall be forwarded to the RTC and placed in the parole agent's training file. Under no circumstances shall the parole agent be allowed to carry a firearm on-duty, pending requalification. The parole agent shall remain on paid work status for up to 30 calendar days, following the end of the quarter. During this 30 calendar day period, the RTC shall provide the parole agent with reasonable opportunities to raise their competence level and to qualify on the DAPO-approved course of fire.

If the parole agent has still failed to achieve a qualifying score within 30 calendar days after the end of the quarter, the parole agent shall be placed on unpaid leave for up to 60 calendar days. During this 60 calendar day period, the burden to raise their skill level rests with the parole agent. DAPO will not expend resources during this period to raise the parole agent's skill to an acceptable level. However, the parole agent should contact the region when they believe they are ready and able to achieve a qualifying score. The region shall then schedule a firearms training qualification for the parole agent at the earliest possible time, based on range and Rangemaster availability. If the parole agent still fails to achieve a qualifying score 90 days after the end of the non-qualifying quarter, the Parole Agent may be separated from state service pursuant to Government Code section 19585 or other applicable Government Code sections.

#### **86010.14 Diminished Light Range Firearms Training**

All armed parole agents shall attend annual diminished light range firearms training for diminished light qualification. A qualifying score achieved during diminished light range firearms training shall satisfy the parole agent's quarterly firearms qualification requirement. If the parole agent fails to achieve a qualifying score during the diminished light range firearms training, the parole agent shall be scheduled to complete and achieve a qualifying score of 70 percent utilizing the POST 36-round course of fire and may also be required to participate in a shooter's clinic.

#### **86010.15 Required Equipment for Quarterly Firearms Training**

All parole agents who report for quarterly firearms training shall ensure they wear all required safety equipment. This includes the following:

Division-approved firearm in an approved holster.

One primary and at least two additional full magazines in an approved ammunition carrier or one speed loader in an approved carrier (revolver shooters).

- 50 rounds of Division-issued ammunition.
- Handcuffs in a holder.
- Oleoresin Capsicum (OC) spray.
- Expandable baton.
- Badge.
- State Identification Card.
- CDCR Form 2229, Firearm Qualification Card.
- Ballistic vest.
- Flashlight (required only during night range).
- ECD (if issued).

Rangemasters shall ensure each parole agent is wearing all the required equipment. Additionally, Rangemasters shall inspect the equipment to ensure it is serviceable. If the parole agent reports for firearms training and is not wearing all the required equipment, or the equipment is found to be unserviceable, the parole agent shall not be allowed to participate in the training and shall be instructed to reschedule for firearms training on a later date, within the same quarter.

#### **86010.16 Firearms Training Attire**

During firearms training, parole agents shall wear range attire that is consistent with the requirement set by the Division and range facility. Therefore, the RTC shall establish attire standards for local ranges that may be more restrictive than the Division's standard. The Division's standard for range attire shall consist of attire typically worn by the parole agent while on-duty and shall at a minimum consist of a shirt or sweater with sleeves, pants, belt, and closed-toe shoes (no high heels). If wearing pants without pockets, the parole agent must wear a vest or jacket with pockets that allows for the carrying of ammunition. The attire must conceal the firearm and safety equipment. On institutional grounds, participants shall not wear attire which bears resemblance to inmate clothing or clothing that is unauthorized by the institution. This includes, but is not limited to, camouflage, blue chambray shirts, and blue denim clothing. Under no circumstances shall sleeveless shirts, shorts, or open-toe shoes be worn for range training or

qualification. Participants who report in improper attire shall not be allowed to participate in range qualification.

#### **86010.17 Firearms Qualification Verification**

At the conclusion of the firearms qualification, the Rangemaster shall issue each parole agent a CDCR Form 1242, DAPO Firearm Requalification Verification for the parole agent's qualifying firearm. This document verifies the parole agent's participation in firearms training and notes whether or not qualification was achieved. It also documents the mechanical condition of the firearm and any safety or shooting concerns, including recommendations that the shooter attend the Shooters' Clinic.

#### **86010.18 Firearm Qualification Card**

Upon achieving a qualifying score during firearms qualification and demonstrating proficiency with the approved firearm, the Rangemaster shall issue a CDCR Form 2229 to the parole agent for the firearm used during qualification. The CDCR Form 2229 shall be completed in blue or black ink and shall contain the following:

- Parole agent's name and badge number.
- Firearm model and serial number.
- Qualification date and Rangemaster's signature.

The parole agent shall ensure they are in possession of the CDCR Form 2229 or Quarterly Qualification Certification at all times while on-duty and while carrying a firearm off-duty. If the parole agent qualifies with their off-duty firearm at a private range, they shall carry the qualification card issued by that Rangemaster.

#### **86010.19 Shooters' Clinic**

While conducting range operations, Rangemasters shall observe and document the parole agent's overall performance. If a Rangemaster determines the parole agent needs additional training, they shall refer the parole agent to a Shooters' Clinic. The Rangemaster shall document the referral on CDCR Form 1242. The Lead Rangemaster shall notify the supervisor and the parole agent, via the RTC, of the next Shooters' Clinic. The parole agent shall attend the next Shooters' Clinic to address the identified deficiencies. Failure by the parole agent to cooperate may result in a recommendation of revocation to carry a firearm and/or progressive discipline. Additionally, a parole agent who may not feel proficient with their firearm may request additional training. In these situations, the parole agent may request to attend a Shooters' Clinic. The parole agent shall contact the RTC for scheduling.

#### **86010.20 Parole Agent Absence for 90 Calendar Days or Longer**

The supervisor shall recall the Division-issued firearm of any parole agent who will be absent or on leave for 90 calendar days or longer and shall deliver it to the RTC until the parole agent returns to duty.

Any DAPO parole agent, returning from an absence of six months or longer, must complete the DAPO Firearms Familiarization course prior to the reissuance of the Division-issued firearm or being authorized to carry a firearm on duty. If the absence was longer than 36 months the parole agent must attend Penal Code (PC) 832 weapons qualification training at the BPAA as outlined in DOM section 32010.19.1

#### **86010.21 Supervisor Compliance Review**

At least semi-annually, the supervisor shall review the parole agent's compliance with the prerequisites for continued authorization to be armed. This review shall focus on the following areas:

- Completion of Quarterly Firearms Qualification, as required by this article.
- Attendance at annual firearms training, quarterly qualification, and achieving a passing score on any required exams.
- Demonstrated ability to safely handle the firearm, as determined by the supervisor or a Rangemaster.
- Any incident where the individual parole agent may have unholstered the firearm (for compliance with policy).
- The wearing of required equipment when armed.

If the parole agent is found to be deficient in any of the above-listed areas, the supervisor may, for cause, remove the parole agent's authorization to be armed. If the authorization to be armed is removed from a parole agent who is mandatorily required to be armed; and the

problem is not resolved within 30 days, the supervisor shall take appropriate disciplinary action. In making the determination regarding criteria in this section, the supervisor shall consider information provided from the written training records by the Rangemaster and RTC. The firearm and/or authorization to be armed shall be reissued when the parole agent is in compliance with the DAPO firearms policy.

#### **86010.22 Revoking Authorization to be Armed**

In addition to the Supervisor Compliance Review, the supervisor may, for cause, revoke the parole agent's authorization to be armed at any time.

The following policy violations **shall** require the supervisor to withdraw the parole agent's authorization to be armed and to immediately take the parole agent's Division-issued firearm:

- Failure to achieve a minimum qualifying score within the quarter, or requalify in the required time frame.
- Demonstrated inability to safely handle the firearm either on the range or in a field situation.
- Serious violation of the Division firearms policy; e.g.; improper drawing of the firearm, improper discharge of the firearm; and/or, the unauthorized carrying of the DAPO Division-issued firearm while off duty.
- Failure to attend required classroom training or range course.
- Minor violations of the DAPO firearms policy (e.g., failure to attend a mandated Shooters' Clinic, use of a non-approved holster; and failure to respond to corrective action).
- Administrative reassignment of a parole agent as a result of a certified stress related condition.

The Hiring Authority may revoke the authorization to carry a concealed firearm off-duty for any employee, if the employee:

- Is found to lack the physical capability or mental stability to exercise this privilege.
- Is arrested for a felony.
- Is subject to adverse action.
- Is placed on Administrative Time Off during the processing of an adverse action.
- Abuses the privilege of carrying a concealed firearm off-duty (e.g., displaying a firearm in a threatening manner in an inappropriate situation).

#### **Written Notice and Appeal Process**

The reasons for revoking authorization to be armed on or off-duty shall be provided in writing to the parole agent by the revoking authority, within 24 hours. The parole agent may appeal the revocation in accordance with the current Bargaining Unit 6 grievance process. Parole agents shall be expressly directed not to carry a concealed weapon off-duty during this appeal period.

If the firearm is removed from a mandatorily armed parole agent for any reason other than failing to qualify, and the problem is not resolved within 30 calendar days, the parole agent shall be placed on unpaid leave for a maximum of 60 calendar days or until the problem is resolved. Failure to correct the deficiency within the 60 calendar days may result in separation from State service pursuant to applicable Government Code (GC) sections.

#### **86010.23 Approved Flashlights**

Handheld flashlights must be equipped with a momentary switch. A momentary switch allows the operator to temporarily activate the flashlight by partially or fully pressing the activation switch. The flashlight shall automatically turn off when pressure is removed from the switch. For constant light, the operator must fully press the activation button until it clicks or turn the endcap, depending on the flashlight model. The approved flashlight must be accessible to the parole agents at all times.

#### **86010.24 Expandable Baton**

The Monadnock Auto Lock 18-inch expandable baton with a Power Safety Tip shall be provided as an additional piece of safety equipment to all parole agents and is authorized for use. All parole agents shall complete the four-hour expandable baton certification training prior to issuance and shall complete two hours of recertification training annually.

All parole agents shall have the option to carry the expandable baton during routine duties, but shall ensure they have access to the expandable baton at all times while on-duty. While carried, the expandable baton shall be carried in a concealed manner, except when it is being carried in an enforcement or tactical situation, e.g., multi-agency raids, arrests, anytime the raid jacket/vest is worn.

The expandable baton must be worn during enforcement or tactical situations, range qualification, and certification training.

In situations where, in the judgment of the supervisor, the parole agent's safety and effectiveness will be enhanced by the carrying of the baton, all parole agents including non-mandatorily armed parole agents shall be required to carry the baton.

#### **86010.25 Ballistic Vests**

All DAPO peace officers shall wear the Division-issued ballistic vest while on-duty, in the following circumstances:

- During range qualification.
- While engaged in field activities; i.e.; conducting home visits, conducting collateral contacts, attempting to locate or make contact with a parolee, or participating in any law enforcement activity.
- When in the judgment of the supervisor, the parole agent's safety and effectiveness will be enhanced by wearing the ballistic vest.

#### **86010.26 Firearm and Safety Equipment Storage**

While within the confines of the parole unit the firearm, if not worn, shall be secured in a gun locker. Overnight storage of a firearm in an office gun locker shall require authorization from a supervisor.

Safety equipment (if not worn), including ballistic vests, shall be stored in the office in a secured location that prevents unauthorized access or in the trunk of a vehicle.

While on-duty, firearms may be stored for short periods of time in a vehicle when there are no other available means for securing the firearm. If stored in a vehicle, the firearm shall be secured in a vehicle trunk or DAPO-issued firearm lock box which is not in plain view. Care shall be exercised to ensure the parole agent is not observed by others when storing the firearm in the vehicle.

Under no circumstances may a firearm, ammunition, chemical weapon or other item of equipment that may threaten the security of a correctional facility be left in any unattended vehicle, including the vehicle trunk or DAPO-issued firearm lock box, while parked on institution grounds. At such facilities, the weapons and attending equipment will be checked into the specific area designated by facility staff for safekeeping and temporary storage.

For non-CDCR correctional facilities:

- Parole agents shall store all safety equipment prohibited from entering a non-CDCR correctional facility or any equipment that may threaten the security of a non-CDCR correctional facility in the area designated for the safekeeping and temporary storage of safety equipment.
- If the facility does not have a designated area for safekeeping and temporary storage of safety equipment, the parole agent may temporarily store their safety equipment or any equipment that may threaten the security of a non-CDCR correctional facility in the locked trunk of a State vehicle or DAPO-approved lock box.

#### **86010.27 Safety Equipment Storage at the Residence**

The firearm shall be stored in a safe and secure location to prevent access to the firearm by unauthorized persons or children. Therefore, it is recommended that all armed parole agents use a gun safe, cable/trigger lock, or any other device that will secure the firearm. Safety equipment other than a firearm may be stored in the State vehicle's trunk, DAPO-issued secured locked storage compartment, or secured inside the parole agent's residence overnight.

#### **86010.28 Firearms Maintenance**

Rangemasters shall conduct a function check of all firearms prior to each firearm training session and document the condition of the firearm on the CDCR Form 1242. Division-issued firearms which fail the function check shall be replaced. The malfunctioning firearm shall be repaired locally by a DAPO armorer or returned to the Division Training Unit for repair. DAPO armorers are authorized to conduct repairs in DAPO offices if it is safe to do so and the repairs are conducted in a closed room that is not accessible to parolees. The armorer shall forward the repair information to the RTC who shall ensure the repair information is entered in CATS.

Personal Firearms that fail the function check shall not be allowed for duty use until the parole agent secures written confirmation of repair by a qualified armorer/gunsmith and submits the repair verification to the

Rangemaster. The Rangemaster shall forward a copy of the repair verification to the RTC for entry in CATS. While the Personal Firearm is being repaired, the parole agent shall be issued a Division-issued firearm and shall be required to qualify after completing the transition course, if needed, or shall be allowed to qualify with another Personal Firearm.

If the duty firearm is found to need repair and the Division-issued replacement firearm is the same model as the parole agent's duty firearm, the parole agent shall not be required to qualify prior to use if qualification has already been achieved for that quarter. If the Division-issued replacement firearm is not the same model as the parole agent's duty firearm, the parole agent shall be required to qualify with the replacement firearm after completing the transition course, if needed, prior to carrying it on-duty.

The parole agent shall be responsible for ensuring the firearm is cleaned prior to each firearms qualification session. Parole agents reporting to the firearms qualification session with an unclean firearm shall not be allowed to qualify. The parole agent shall be allowed to clean the firearm and qualify on a subsequent firing line on the same day, if space is available. If space is not available, the parole agent shall be required to reschedule for training within the quarter. The unclean condition of the firearm shall be documented on the CDCR Form 1242. Firearm cleaning may be completed as part of a parole agent's work day, as approved by the supervisor for use of State time.

#### **86010.29 Retired Parole Agent**

Prior to retirement, the parole agent may apply for a CCW identification card through the Department. Upon approval and issuance of the identification card, the retired parole agent should always refer to federal, state, and local laws related to carrying a concealed firearm; for areas the retired parole agent resides and/or travels in.

##### **Qualification**

Retired parole agents, who have been issued a CCW endorsement, shall qualify prior to carrying a concealed weapon and shall qualify at least annually thereafter.

##### **Scheduling**

Retired parole agent qualifications shall occur in conjunction with quarterly qualifications. The retired parole agent shall contact the RTC to obtain the range schedule and secure a range date. The RTC shall notify the local Rangemaster of the participant's request for qualification. Additional range days shall not be scheduled for the purpose of qualifying retired parole agents. Retired parole agents may be placed on existing range qualification lines, space permitting, to the far right or left of active parole agents.

##### **Deployment**

During qualification, retired parole agents shall not be compelled to utilize DAPO's drawing and make ready procedures. Retired parole agents may use the stance and deployment method of their choice, as long as the firearm is handled in a safe manner.

##### **Firearms**

Retired parole agents are allowed to qualify with firearms for concealed carry. Retired parole agents must comply with the following requirements.

Firearms used for retired qualification shall be:

- A double action semi-automatic pistol.
- A single action semi-automatic pistol with an external safety.
- A double action revolver.
- A .22 to .45 caliber (includes 9mm and 10mm).

The following firearms are not permitted:

- Single action revolver.
- Derringer type pistol.
- Shotgun.
- Rifle.
- Black powder guns.

Prior to use, all firearms and ammunition shall be inspected by the Rangemaster. Any firearm deemed unacceptable or unsafe shall be removed from the range and not used.

##### **Ammunition**

The retired parole agent shall provide the rounds necessary for the qualification course, at their cost. Only factory loaded/reloaded ammunition shall be allowed. Snake shot, plastic loads, and loads which exceed industry standards shall not be permitted.

### Safety

The retired parole agent shall follow DAPO range safety rules along with rules set by the range facility and sign a CDCR Form 2281-A, prior to participating in range qualification. Severe or repeat violations of range safety rules shall be grounds for removal from the firing line. While on the range, each participant shall follow all instructions of the Rangemaster. The Rangemaster shall maintain full authority for range activities and may exclude/expel any participant from the range for good cause.

The retired parole agent must demonstrate knowledge of how their firearm operates, including loading and rendering the firearm safe.

### Qualification Standard

The retired parole agent shall qualify utilizing a standard DAPO-approved course of fire and must achieve a qualifying score within the scoring area. If the retired parole agent is unable to obtain a qualifying score on the DAPO-approved course of fire, the retired parole agent may qualify with a passing score of 70 percent utilizing the POST 36-round course of fire.

### Documentation

The retired parole agent's qualification shall be documented on a separate CDCR Form 844, Training Participation Sign-In Sheet. The CDCR Form 844 shall be labeled, "Retiree/Off-Duty Range Qualification" in the class title and contain the date, time, and location of the qualification. The Rangemaster shall forward the CDCR Form 844 and signed CDCR Form 2281-A to the RTC. The CDCR Form 844 and CDCR Form 2281-A shall be maintained in accordance with the current DAPO records retention schedule. The Rangemaster shall sign the retired parole agent's qualification card noting the date, firearm make, model, and serial number.

### 86010.30 Retired Annuitants Arming and Training

Retired Annuitants (RA) returning to State service in the parole agent series, who have separated from DAPO for one day or longer, are considered rehired employees and shall not have the option of being unarmed. RAs may elect to carry a Personal Firearm and shall be scheduled for firearms training at the earliest available range date to ensure they are in compliance with DAPO firearm training requirements as outlined below. RAs are required to qualify quarterly to maintain employment with DAPO. RAs working in the parole agent series must carry the required complement of DAPO-issued equipment pursuant to current DAPO policy. The equipment the RA elects or is required to carry daily shall vary depending on job assignment.

RAs returning to DAPO employment shall:

- Within one quarter, attend the next quarterly qualification.
- Following an absence of six months or longer, attend the DAPO Firearms Familiarization Course.
- Following an absence of any length, having carried a revolver, attend the DAPO Semi-Automatic Transition Course.
- Following an absence of any length, having retired as an unarmed parole agent, attend the BPAA Firearms Training course.

### 86010.31 Carrying A Firearm Off-Duty

PC 830.5 provides that parole agents employed by CDCR may carry concealed firearms off-duty subject to certain terms and conditions. This PC section also authorizes the DAPO Director to revoke or deny for good cause a parole agent's authority to carry concealed firearms. Parole agents who choose to carry a Personal Firearm while off-duty do so at their own risk and in doing so, assume the same liability as any other armed citizen.

### 86010.32 Personally Owned Firearms in State Vehicle or State Owned/Leased Facility

All firearms owned by non-sworn staff, including non-sworn staff in possession of a CCW, shall not be taken into any State office, State owned or leased facility, or parole office while on-duty.

While on-duty, parole agents shall only carry Personal Firearms as defined in this policy. Firearms not approved for on-duty use shall not be carried or possessed by parole agents while on-duty or stored in a vehicle or State facility that is used for official State business; except under the following circumstances:

- During the course of a regularly scheduled work day and on the day of range qualification, parole agents are in route to qualify with a Personal Firearm not approved for duty use at a DAPO-approved range (i.e., prior to start of shift, at the end of shift, or during a lunch break).
- When parole agents are required to travel overnight on State business.

When transporting a personally owned firearm in a vehicle used for State business, the firearm must be transported in the trunk of the vehicle or DAPO-issued firearm lock box.

### 86010.33 Flying Armed

On occasion and while on-duty, parole agents may carry a firearm on a commercial airplane provided that all Transportation Security Administration (TSA)/Federal Aviation Administration (FAA) requirements are met and the necessity to travel armed is approved by the parole agent's Chief Deputy Regional Administrator or Associate Director via the chain of command.

Upon approval of the Chief Deputy Regional Administrator or Associate Director and prior to requesting to fly armed, the parole agent shall complete the TSA "Law Enforcement Officers Flying Armed" training course. This training program is mandatory for all Law Enforcement Officers (LEO) boarding aircraft while armed with a firearm under the Code of Federal Regulation 1544.219, Carriage of Accessible Weapons.

A National Law Enforcement Telecommunications (NLETS) message/receipt generated by the California Law Enforcement Telecommunications System is required by FAA in order to fly armed. The DAPO Warrant Unit shall be the sole source of obtaining the NLETS message and shall log all NLETS requests in a confidential binder.

Due to the sensitive security information that is controlled under the provisions of 49 CFR 1520, Protection of Sensitive Security, relative to LEOs, interested staff should contact the RTC within their respective regions for information on the mandatory TSA training and specific requirements for parole agents when traveling by air while armed with a firearm. RTCs shall schedule training based upon the identified need within each Region.

Parole agents flying armed must abide by all FAA regulations.

### 86010.34 Stolen or Lost Firearm

#### Reports and Records

The loss or theft of a Division-issued or Personal Firearm shall be immediately reported to local law enforcement upon discovery. The parole agent shall then report the loss or theft to the immediate supervisor, who shall inform the DAPO Deputy Director, through the chain of command. Within one working day after the discovery, the parole agent must submit a written report to the immediate supervisor, who shall forward it through the chain of command to the DAPO Deputy Director.

### 86010.35 Chemical Agent Policy

#### Approved Chemical Agent

The approved chemical agent shall be designated by the DAPO Deputy Director, DAPO. While on duty, those parole agents authorized by policy to carry chemical agents shall only carry dispensers approved and issued by DAPO. While off-duty, the chemical agent shall be maintained in a secure location where it is not accessible to unauthorized persons. The improper or illegal use of the chemical agent may result in disciplinary action and/or criminal prosecution.

#### Training Requirements

All parole agents shall be required to complete an eight-hour course of instruction in chemical agents approved by POST and DAPO training in the use and effects of chemical agents, legal issues, and reporting procedures.

#### Parole Services Associates

Permanent full-time DAPO employees working as Parole Services Associates may carry DAPO-issued chemical agents on duty provided they complete DAPO training on the legal, security, and ethical aspects of the use of these weapons.

### 86010.36 Relinquishing Chemical Agent Policy

All DAPO staff issued a chemical agent who separate from DAPO through retirement, termination, or transfer; shall surrender their chemical agent to their supervisor. The supervisor shall deliver the chemical agent to the RTC.

The supervisor shall recall the chemical agent of all DAPO staff (if issued), who will be on leave for 90 days or longer for safekeeping. Upon the return to active duty, the chemical agent shall be reissued.

The chemical agent is only effective for a prescribed period of time (designated by the manufacturer). When this "shelf life" period has elapsed, DAPO staff issued chemical agents shall be required to relinquish the chemical agent weapon and shall be issued a replacement of the type and brand authorized for use by DAPO.

**86010.37 Electronic Control Device**

Parole Agent II (Supervisors) and Parole Agent IIIs assigned to a DAPO field parole unit and parole agents assigned to the California Parole Apprehension Team are authorized to carry the ECD after completing the initial training and maintaining certification as required. If issued an ECD the parole agent shall carry the ECD on their person during all field related activities (defined in 86010.15). Parole agents issued an ECD shall comply with the policy regarding the use of ECDs as outlined in the Restricted DOM section 55055.

**86010.38 Revisions**

The DAPO Director or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**86010.39 References**

PC § 830.5, 832, 22810, 25100, 25450 et seq., and 26300 et seq.

GC § 19585.

Federal Aviation Administration Regulations.

DOM § 32010.

BU6 MOU section 19.02.

**ARTICLE 47 — CHARGE CODES**

*Revised December 7, 2015*

**86020.1 Violations of Parole, Definition**

Probable cause to believe that the supervised person is violating the terms of his or her parole supervision.

**86020.1.1 Parole Violation Disposition Tracking System Charge Codes**

009 Voluntarily admitted to use of alcohol  
 010 Failure to attend the Parole Outpatient Clinic  
 011 Use of alcohol  
 012 Failure to participate in anti-narcotic testing  
 013 Assoc. with prohibited or non-gang validated persons  
 014 Being present in prohibited area  
 019 Violation of Other Special Condition  
 020 Failure to report to DAPO  
 021 Absconding parole supervision  
 022 Instructions: Changing residence w/o informing DAPO  
 023 Instructions: Changing employment w/o informing DAPO  
 024 Failure to follow instructions from DAPO  
 025 Failure to inform DAPO of criminal arrests  
 027 Instructions: Leaving county of residence beyond 48 hours w/o DAPO approval  
 028 Instructions: Traveling beyond 50 mi. from residence w/o DAPO approval  
 034 Unauthorized possession of knife with a blade exceeding 2 inches  
 037 Access to a firearm  
 038 Access to a deadly weapon (PC 12020)  
 039 Possession of a simulated firearm  
 041 Access to a simulated firearm  
 042 Possession of ammunition for a firearm  
 043 Access to ammunition for a firearm  
 044 Access to a stun gun/taser  
 045 Access to a tear gas gun/dispenser  
 046 Access to crossbow  
 047 Gang participation and/or assoc. (must be gang validated)  
 050 Danger to self as a result of mental disorder  
 051 Danger to others as a result of mental disorder  
 052 Inability to maintain self in the community because of mental disorder  
 093 Removal of GPS Tracking Device - PC 290 Cases Only (PC 3010.10)

094 Disable GPS Tracking Device - PC 290 Cases Only (PC 3010.10)  
 095 Tampering with GPS Tracking Device  
 100 Murder  
 120 Voluntary manslaughter  
 125 Involuntary manslaughter  
 135 Attempted manslaughter  
 150 Attempted murder  
 170 Conspiracy to commit murder  
 175 Accessory to murder  
 180 Accessory to manslaughter  
 205 Robbery (with weapon)  
 215 Robbery (with simulated weapon)  
 225 Robbery (no weapon)  
 235 Attempted robbery (with weapon)  
 245 Attempted robbery (with simulated weapon)  
 255 Attempted robbery (no weapon)  
 265 Accessory to robbery  
 270 Conspiracy to commit robbery  
 275 Grand theft - person  
 300 Rape  
 325 Unlawful sexual intercourse (PC 261.5/statutory rape)  
 333 Assault with intent to commit rape, sodomy, oral copulation or mayhem  
 335 Attempted rape  
 340 Lewd/lascivious acts with children under 14 years old  
 345 Oral copulation with minor or non-consenting adult  
 350 Oral copulation in jail or prison (consensual)  
 355 Sodomy (with minor or non-consenting adult)  
 360 Sodomy in jail or prison (consensual)  
 365 Incest  
 372 Annoying children  
 373 Loitering - schools and play grounds  
 375 Indecent exposure  
 380 Penetration by foreign object  
 383 Pimping/pandering  
 385 Sexual battery  
 390 Failure to register per PC 290  
 391 Refusal to comply per PC 296  
 395 Other non-aggressive sex offenses, not involving minors (specify statute & violated)  
 397 Other sexual offenses involving non-consenting or vulnerable victims (specify statute & violated)  
 400 Assault with deadly weapon  
 410 Assault with deadly weapon on a peace officer  
 413 Assault on peace officer  
 415 Assault with caustic substance  
 420 Assault with intent to commit murder  
 423 Assault with great bodily injury  
 430 Assault  
 435 Assault on spouse/child  
 440 Administer poison  
 445 Mayhem  
 451 Battery (without serious injury)  
 452 Battery on a peace officer  
 453 Battery with great bodily injury  
 455 Battery spouse/child  
 460 Cruelty to a child  
 495 Other crime in which great bodily injury is inflicted (specify statute & violated)

497	Other crime posing major personal risk to others (specify statute & violated)	732	Sale of PCP
498	Drive-by shooting	734	Possession of PCP for sale
499	Threat to Commissioner/Deputy Commissioner/Family	736	Manufacture/sale of PCP
505	Burglary 1st (includes inhabited dwelling, occupants present or not)	737	Possession of PCP
507	Attempted burglary 1st degree	738	Voluntarily admitted to use of PCP
513	Burglary while armed with firearm/other weapons	739	Use of PCP
515	Burglary 2nd (non-inhabited building)	740	Sale of other illicit drugs to a minor
517	Attempted burglary 2nd	741	Possession of other drugs for sale
540	Burglary with use of explosives	742	Sale of other drugs
545	Burglary of an automobile	744	Possession of other drugs for sale
547	Attempted burglary of an automobile	746	Manufacture/sale of other illicit drugs
555	Possession of burglary tools	747	Possession of any other illicit controlled substance
565	Tampering with an automobile	748	Voluntarily admitted to use of any other illicit controlled substance
600	Non-sufficient fund check	749	Use of any other illicit controlled substance
605	Credit card theft or illegal use of a credit card	750	Possession of drug paraphernalia (related to drug use)
610	Possession of counterfeit dies and plates	752	Possession of paraphernalia utilized in drug trafficking
615	Embezzlement	753	Possession of a substance in lieu of a controlled substance for sale
620	Forgery	755	Sale of a substance in lieu of a controlled substance
630	Fraud	760	Forgery of a prescription
645	Grand theft	770	Sale of amphetamine/methamphetamine to a minor
650	Attempted grand theft	771	Possession of amphetamine/methamphetamine for sale
655	Grand theft auto	773	Sale of amphetamine/methamphetamine
660	Misappropriation of public moneys	774	Voluntarily admitted to use amphetamine/methamphetamine
665	Operating a motor vehicle without owner's permission	775	Possession of amphetamine/methamphetamine for sale
669	Petty theft	776	Possession of amphetamine/methamphetamine
670	Petty theft with a prior	777	Manufacture/sale of amphetamine/methamphetamine
672	Attempted petty theft	778	Use of amphetamine/methamphetamine
676	Receiving/possession of stolen property	779	Loitering in area of drug-related activity
685	Conspiracy to commit a property offense	780	Under the influence of a controlled substance
686	Soliciting another to commit a property crime	790	Use of drugs in jail or prison
690	Extortion	793	Other violations of law relating to drug use (specify statute & violated)
697	Other property crimes (specify statute & violated)	795	Other controlled substance offenses (specify statute & violated)
700	Sale of heroin to a minor	797	Other controlled substance offenses (specify statute & violated)
701	Possession of heroin for sale	810	Possession/manufacture/sale of a deadly weapon (other than a firearm)
702	Sale of heroin	815	Possession of a deadly weapon (PC 12020)
704	Possession of heroin for sale	822	Use of a deadly weapon
706	Manufacture/sale of heroin	823	Use of deadly weapon in the commission of a felony
707	Possession of heroin	825	Possession of a firearm
708	Voluntarily admitted to use of heroin	827	Use of a firearm
709	Use of heroin	830	Bringing firearm or weapon into prison or jail
710	Sale of cocaine to a minor	831	Possession of a concealable firearm (PC 12021)
711	Possession of cocaine for sale	832	Possession of any firearm w/ prior firearm use conviction (PC 12560)
712	Sale of cocaine	833	Possession of non-concealable firearm w/o prior firearm use conviction
714	Possession of cocaine for sale	834	Armed with a firearm in the commission of a felony
716	Manufacture/sale of cocaine	835	Possession of a stun gun or taser
717	Possession of cocaine	836	Possession of cross bow
718	Voluntarily admitted to use of cocaine	837	Use of stun gun or taser
719	Use of cocaine	840	Possession of a tear gas gun/dispenser
720	Sale of marijuana to a minor	843	Use of tear gas gun or dispenser
721	Possession of marijuana for sale	845	Brandishing/displaying a weapon (other than a firearm)
722	Sale of marijuana	847	Brandishing a firearm
724	Possession of marijuana for sale	848	Other offenses involving the use/possession of firearm or deadly weapon (specify statute & violated)
725	Voluntarily admitted to use of marijuana	849	Other weapon violations (specify statute & violated)
726	Sale of marijuana	850	Driving under the influence of alcohol/drugs
727	Possession of marijuana (1oz or 28.5 grams, or less)	855	Driving under the influence of alcohol/drugs (with injury)
728	Possession of marijuana (more than 1oz or 28.5 grams)	865	Reckless driving w/no personal injury
729	Use of marijuana	867	Reckless driving (situation posed extreme risk to others)
730	Sale of PCP to a minor	869	Reckless driving (injury)
731	Possession of PCP for sale	873	Property hit and run

874	Driving with revoked or suspended license (previously 995)
875	Vehicular manslaughter
880	Evading peace officer (CVC 2800.1)
899	Other driving violations (specify statute & violated)
900	Child stealing
907	Hostage taking
911	Kidnapping
915	Threaten/harass another (must be a law violation; specify statute & violated)
922	Possession of alcohol/controlled substances in a detention facility
924	Bringing alcohol/controlled substances in a detention facility
926	Arson - inhabited dwelling
928	Arson - other structure, property, forest lands
929	Bribery
931	Contributing to the delinquency of a minor
934	Destroying public property
937	Disturbing the peace
938	Resisting arrest
939	Drunk in public
940	Escape without force
943	Escape from jail/prison with force
947	Failure to register per H&I 11590
948	Failure to register - Arson (PC 457.1)
950	False identification to a police officer
952	False information to peace officer (VC 31)
953	Illegal entry into the USA
961	Prostitution
962	Soliciting for prostitution/sexual acts
963	Incite another to participate in a riot
964	Failure to participate in or complete a batterer's program (PC 3053.2)
965	Participation in a riot
967	Soliciting another to commit nonviolent crime
969	Trespassing
972	Vandalism/malicious mischief
976	Committing any non-violent felony not listed (specify statute & violated)
977	Conspiracy to commit any non-violent felony not listed (specify statute & violated)
978	Attempt to commit any non-violent felony not listed
979	Accessory to any non-violent felony not listed
985	Conspiracy to commit a violent crime
986	Attempt to commit a violent crime
987	Accessory to a violent crime
988	Soliciting another to commit a violent crime
990	Possession of caustic chemicals with intent to harm others
991	Carjacking
992	Criminal threats
993	Stalking
996	Refusal to sign forms required by law (Assessment up to 6 months per PC 3060.5)
997	Other misdemeanors not listed (specify statute & violated)
998	Other violent crimes not listed (specify statute & violated)
999	Other nonviolent crimes not listed (specify statute & violated)

**86020.2 Revisions**

The Director, DAPO, shall be responsible for ensuring that this section is up-to-date and accurate.

**86020.3 References**

PC.

H&SC.  
VC.  
W&I.

**ARTICLE 48 — GLOSSARY OF PAROLE TERMS**

*Revised May 9, 2016*

**86030.1 Policy**

The Division of Adult Parole Operations (DAPO) maintains a list of terms commonly used within DAPO.

**86030.2 Purpose**

The purpose of this Article is to provide an alphabetical collection of terms commonly used in DAPO and their meanings to ensure consistent and effective communication among staff.

**86030.3 Rules of Construction**

The terms “inmate,” “offender,” “prisoner,” and “parolee” apply to any person who is or has been committed to the custody of the Secretary of the California Department of Corrections and Rehabilitation (CDCR), regardless of the person’s present status.

Responsibilities specified for a particular level of supervision or administration may be delegated within any limits specified unless expressly prohibited.

“Shall” is mandatory; “should” is advisory; and “may” is permissive.

Unless otherwise indicated, reference to part or section refers to the DOM.

**86030.4 Glossary of Terms**

**ABSCONDER:** Any parolee, whose whereabouts are unknown (whether suspended by the Board of Parole Hearings (BPH) or the courts), or any parolee who is not available for supervision, whether whereabouts are known or not known. A parolee in custody in another jurisdiction who is not available for supervision falls into this category.

**ADVERSE WITNESS:** A person who has given or will give information against a prisoner or parolee. For the purpose of conducting parole revocation hearings, “adverse witness” means a person whose expected testimony supports the violation charged.

**BOARD OF PAROLE HEARINGS:** The board responsible for conducting parole consideration hearings for inmates sentenced to life terms with the possibility of parole and inmates sentenced to determinate terms but who have been deemed eligible for parole consideration hearings pursuant to statute or court order. The board also conducts parole reconsideration hearings for inmates returned to CDCR custody pursuant to Penal Code (PC) 3000(b)(4) or PC 3000.1. In addition, the board conducts hearings pursuant to PC 3550 and screens Mentally Disordered Offenders and Sexually Violent Predators.

**CALIFORNIA ADULT COMPACT ADMINISTRATOR:** The Director, DAPO Headquarters.

**CALIFORNIA INTERSTATE PAROLEE:** A person convicted and sentenced to prison in California but under parole supervision in another state according to the provisions of the Interstate Compact.

**CALIFORNIA PAROLEE:** A person convicted and sentenced to prison in California under parole supervision in California.

**CASE CONFERENCE:** Documented communication between the parole agent and parole unit supervisor concerning a parolee (i.e., placing a parole hold).

**CASE CONFERENCE REVIEW:** Documented review of progress made in the case plan and effectiveness of the current plan to determine necessary modifications. It will also include a review to determine if the parole supervision/case management expectations have been met.

**CASE PLAN:** A written proposal of identified goals, tasks, and local service providers to address a parolee’s identified criminogenic needs.

**CASE SUMMARY:** Written summation of a case at specified points in the parole period.

**CENTRAL FILE:** Master file maintained by CDCR containing records regarding each person committed to its jurisdiction. This file is maintained by the institution or parole region via Electronic Records Management System (ERMS).

**COLLATERAL CONTACT:** Any communication between DAPO staff and another person concerning a parolee.

**CONCURRENT PAROLEE:** A person on parole for a California sentence and a sentence of another jurisdiction who is being supervised in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (PC 11175-11179).

**CONDITIONS OF PAROLE:** Specific terms and conditions regarding behavior required or prohibited during parole supervision.

**CONFIDENTIAL WITNESS:** An informant whose identity is unknown to the parolee and who could be subject to harm if the informant's identity were known.

**CONFINEMENT PURSUANT TO REVOCATION:** Continuous time in custody, under a parole hold in local custody in the absence of a new commitment to prison. Limited to no more than 180 days to begin at the placement of a parole hold.

**CONTINUE ON PAROLE:** Final action in response to a parole violation that allows a parolee to remain in the community rather than be confined to custody. Once this action is taken the parolee may not be charged again with the same violation.

**CRIMINAL IDENTIFICATION AND INFORMATION:** The State Summary-Criminal History (SSCH) from Department of Justice (DOJ) containing the arrest and disposition information defined in PC 11105 or Federal Bureau of Investigation (FBI) report containing arrest history.

**CRIMINOGENIC NEED:** Traits and conditions that when present increase the likelihood that an offender will commit a crime.

**CUMULATIVE CASE SUMMARY:** Permanent and specific summary of portions of the record maintained by CDCR regarding each prisoner from reception to discharge.

**CUSTODY TO COMMUNITY TRANSITIONAL RE-ENTRY PROGRAM:** A voluntary program that allows eligible female offenders committed to state prison to serve a portion of their sentence in a departmentally approved facility in lieu of confinement in state prison.

**COUNSELOR:** Caseworker of the CDCR who is assigned to supervise and provide counseling for inmates, confined in a CDCR facility.

**DAYS:** Unless otherwise specified "days" refers to calendar days when used in specifying time limits. When due date falls on a weekend or holiday, report will be deemed due on next working day.

**DEPUTY DIRECTOR:** Reports to the Director of DAPO, and manages statewide parole administration.

**DETERMINATE SENTENCE LAW RELEASE DATE:** Date a prisoner sentenced under PC 1170 is released to parole or discharge; or, date a prisoner sentenced prior to July 1, 1977, (and whose sentence was recalculated by BPH under the provisions of PC 1170.2) is released to parole or discharge.

**DIFFERENCE OF OPINION:** Difference of opinion regarding a prisoner's or parolee's case.

**DIRECTOR:** DAPO's Executive/Administrative/Hiring Authority head of the Division, appointed by the Governor.

**DISCHARGE REVIEW:** A documented assessment and evaluation of a parolee's performance, over a specified period, for discharge consideration from DAPO supervision.

**ELECTRONIC IN-HOME DETENTION:** A tool that utilizes electronic monitoring equipment as a remedial sanction, or enhanced supervision restricting an offender to his or her residence during a specified time period.

**ELECTRONIC RECORDS MANAGEMENT SYSTEM:** The database of all offender's central records repository.

**EXPANDED MEDICAL PAROLE:** Supervision for inmates identified as permanently medically incapacitated, requiring 24-hour care in a licensed health care facility, does not require custody supervision or pose a risk to public safety, and found suitable for release by BPH.

**EXPIRATION OF PAROLE:** Date on which specified parole period expires.

**FACE-TO-FACE:** In person contact with a person under supervision of DAPO by a parole agent.

**FEARFUL WITNESS:** A person who has given adverse information against the parolee and, because of fear, is unwilling to appear personally at the hearing. Both identity of the fearful witness and adverse information are known by the parolee. However, the witness's fear and potential trauma due to facing the parolee outweigh the parolee's right to confrontation.

**FIELD CONTACT:** Face-to-face contact by DAPO staff with a parolee away from the parole unit or unit parking area.

**FIELD FILE:** Working file that is maintained in a parole unit which contains information about a parolee.

**FRIENDLY WITNESS:** A person whose expected testimony tends to support the parolee's arguments.

**GLOBAL POSITIONING SYSTEM:** A worldwide satellite navigation system DAPO utilizes to assist with supervising, monitoring, and tracking offenders.

**GOOD CAUSE:** Finding based upon a preponderance of the evidence that there is a factual basis and good reason for the decision made.

**GOOD TIME CREDITS:** Credits for PC 1170 prisoner's good behavior and participation in prison programs earned pursuant to PC 2930, et seq. Earned good time credits advance parole date of PC 1170 prisoners.

**GOOD TIME RELEASE DATE:** Determinate Sentence Law (DSL) release date as advanced by good behavior and participation credits.

**HEADQUARTERS (Central Office) CALENDAR:** The "Headquarters Calendar" is composed of BPH commissioners or deputy commissioners as designated by the Chairman of BPH. They are authorized to make decisions on matters reported to BPH.

**HEARING OFFICER:** Any neutral person who is authorized to conduct a hearing.

**HOLD:** To retain an inmate or parolee, who is under the Secretary's jurisdiction, in custody at an institution or a local detention facility in response to the legal request of a law enforcement or correctional agency representative. A parolee under a hold has no right to bail; the court may set bail or release on their own recognizance.

**HOME CONTACT:** Face-to-face contact with a parolee at the parolee's residence.

**INDETERMINATE SENTENCE LAW:** A person sentenced to prison for a crime committed on or before June 30, 1977, who would have been sentenced under PC 1170 if he/she had committed the crime on or after July 1, 1977.

**INDETERMINATE SENTENCE LAW RELEASE DATE:** Date on which an Indeterminate Sentence Law (ISL) prisoner may be released from confinement pursuant to the ISL. Release may be to parole or to discharge.

**INTERSTATE COMPACT:** Agreement by which all 50 states, District of Columbia, Virgin Islands, and Puerto Rico function cooperatively in supervision of probationers and parolees.

**INTERSTATE (COOPERATIVE) PAROLEE:** Person convicted and sentenced to prison in a state other than California but under parole supervision in California according to provisions of Interstate Compact.

**INTERSTATE COMPACT UNIT:** DAPO Headquarters Unit that is charged with overseeing the day-to-day operations of the Interstate Compact for Adult Offender Supervision, a formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders.

**LIFE PRISONER:** Prisoner serving sentence of life with possibility of parole. Parole date is determined by BPH.

**LIFE PRISONER (INDETERMINATE SENTENCE LAW) RELEASE DATE:** A prisoner, whose offense was committed prior to July 1, 1977, serving a sentence of life with the possibility of parole. Parole date is determined by BPH under guidelines in effect prior to July 1, 1977.

**LOCATED:** A suspended parolee-at-large is "located" when parole staff have reestablished face-to-face contact with the parolee in the State of California, or know parolee's whereabouts in another state's jurisdiction, and verify parolee is available for supervision.

**OFFICE CONTACT:** Face-to-face contact with a parolee at a parole unit.

**OUR HOLD ONLY:** Parolee in custody under a PC 3056 parole hold who has no other charges or detainers pending.

**PAROLE ADMINISTRATOR:** Department's Administrator of a DAPO headquarters unit, district, program, or geographic location.

**PAROLE AGENT:** Each parolee will be assigned to a parole agent. The assigned parole agent shall be responsible for the delivery, or referral for delivery, of all services and controls contained in the parole plan, including legal requirements that may be unique to a parolee by operation of law or policy as specified by BPH or DAPO.

**PAROLE AGENT AUTHORITY:** A parole agent's authority to arrest extends to any person committed to CDCR and released to parole or being supervised under the Interstate Compact. A parole agent's peace officer status extends to enforcement of the conditions of parole, to apprehension of an escapee from a CDCR institution, to the transportation of inmates or parolees, and to any violation of law that arises or is discovered in the course of employment. A parole agent shall not preempt another law enforcement agency in enforcing the law.



**PAROLE HOLD:** Authorization by departmental employee to hold a parolee in custody pursuant to PC 3056.

**PAROLE UNIT:** A facility where a paroled offender reports upon release from custody, order from court, or instructions through the Interstate Compact for DAPO supervision.

**PAROLE VIOLATION:** Conduct by a parolee that violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

**PAROLE VIOLATION DISPOSITION TRACKING SYSTEM:** An electronic database utilized by DAPO staff to track remedial sanctions, warrant requests, discharge reviews and petitions to the local court for revocation of parole.

**PAROLEE-AT-LARGE:** Legal status of a parolee whose parole time has been suspended by BPH action or the courts and a warrant is issued for arrest and detention.

**PEACE OFFICER STATUS:** Any parole agent employed by DAPO is a peace officer pursuant to the provisions of PC 830.5.

**PHONE CONTACT:** A telephone call to a parolee.

**PROBABLE CAUSE:** Statement of facts that would lead a person of ordinary caution and prudence to believe and conscientiously entertain a strong suspicion that the charges are true.

**RECEIVING STATE:** The state that supervises interstate (cooperative) or concurrent parolee.

**REGIONAL ADMINISTRATOR:** Administrator of a geographical region in DAPO.

**RELEASE ON PAROLE:** Released from custody to a term of parole supervision and includes: initial releases from custody; parolees released after having served a period of parole revocation; parole violators with a new term; parolees released from any other jurisdiction, for example, federal custody; and offenders ordered directly to parole by a sentencing court, also referred to as “court walkovers.” Actual transfer of an inmate incarcerated in a CDCR institution, or a re-entry facility, or one housed temporarily in a county or city jail, to the supervision of DAPO on a date established by operation of law (PC 1170) or by BPH (PC 1168).

**RELEASE PROGRAM STUDY:** CDCR Form 611, Release Program Study. An informational document that describes inmate’s proposed residence and employment, case factors, institutional adjustment, reporting instructions, and disability.

**RESIDENT:** Parolee who was an actual inhabitant of California continuously for a year or more before going to the sending state and who was not a resident of the sending state for six continuous months immediately preceding the current commitment offense.

**RESIDENTIAL FACILITY:** Property operated for the purpose of providing lodging and services to address criminogenic needs for two or more persons and approved by DAPO for use. Residential facilities include sober living facilities and transitional housing facilities that provide services such as money management, substance abuse prevention, relationship and self-esteem workshops, skills for employment stability, job training, and referrals to local community, social, and health services.

**RESOURCE COLLATERAL:** A person, group, or organization which assists the parolee in addressing his or her criminogenic needs.

**REVOCATION HEARING:** Adversarial judicial proceedings conducted in the superior courts pursuant to PC 1203.2, to determine if there is good cause to believe that a parole violation has occurred. If it is determined that a parole violation has occurred, the courts will also make determination as to the penalty unless the parolee falls under the provisions of PC 3000(b)(4) or 3000.1.

**REVOCATION RELEASE DATE:** The date on which a parolee is to be released from custody as specified by BPH or the courts in an order of revocation.

**SECRETARY:** Secretary of the California Department of Corrections and Rehabilitation, who serves as the Chief Executive Officer, appointed by the Governor. (See PC 5050).

**SENDING STATE:** State in which an interstate (cooperative) or concurrent parolee was convicted.

**SIGNIFICANT COLLATERAL:** Significant collateral is a person who has significant knowledge of the parolee. An individual who makes up

a parolee’s support group, family, friends, neighbors, associates, church members, colleagues, members of social groups, etc. Individuals who play a consistent part in the parolee’s life before, during, and after parole.

**SPECIAL CONDITION OF PAROLE:** Condition placed by BPH, DAPO, or the courts and restricted to the individual. Special conditions of parole can be imposed if the condition is reasonably related to the parolee’s commitment offense and tailored to prevent criminal conduct and/or future criminality.

**STRATEGIC OFFENDER MANAGEMENT SYSTEM:** A fully automated real-time data system that stores all internal/external movements; adult, juvenile, and parole records; and replaces certain manual paper processes.

**UNIT SUPERVISOR:** The parole agent responsible for the parole unit and supervision of case-carrying agents within DAPO.

**SUBJECT TO PC 1168**

- All persons sentenced to prison for a life term or for a term of not more than “a year and a day” for a crime committed on or after July 1, 1977.
- All persons sentenced to prison for a crime committed on or before June 30, 1977, who are not released on a parole date recalculated by BPH under PC 1170.2.
- All persons released on parole prior to July 1, 1977.

**SUBJECT TO PC 1170**

- All persons sentenced to prison under PC 1170 for a crime committed on or after July 1, 1977, except for persons sentenced to a life term or to a term of less than “a year and a day”.
- All persons sentenced to prison for a crime committed on or before June 30, 1977, who are released on a parole date recalculated by BPH under PC 1170.2.

#### **86030.3 Revisions**

The Deputy Director, DAPO shall ensure that this section is kept accurate and current.

#### **86030.4 References**

PC.

### **ARTICLE 49 — PRE-RELEASE REENTRY CASE PLANNING**

*Revised September 24, 2018*

#### **86040.1 Policy**

The Department strives to reduce recidivism and the risk to the community after an offender is released from prison. Conducting evaluations using evidence-based assessment tools helps the Department to conclude what an offender needs to successfully reintegrate into society.

#### **86040.2 Purpose**

The purpose of Reentry Case Planning is to identify the criminogenic needs/problems of inmates and provide goals, tasks, and resources to address those needs after release. This article establishes the guidelines, necessary tools, and staff responsibilities to evaluate and assess inmates prior to release.

#### **86040.3 Definitions**

##### **Adult Parole Offender Management System**

A database tool that triggers notifications to Community Transition Program staff of inmates nearing their earliest possible release dates, and identifies and tracks the completion of required pre-release planning tasks, assessments, and documents.

##### **California Static Risk Assessment (CSRA)**

A validated risk assessment tool that utilizes a set of risk factors that are most predictive of recidivism. The tool produces a risk number score (of one (1) through five (5)) that predicts the likelihood that an offender will incur a felony arrest within a three-year period after release to parole. The CSRA score is based on an offender’s age, gender, history of criminal convictions, and history of parole and probation violations.

##### **Community Transition Program (CTP)**

The unit within DAPO that obtains and utilizes information about offenders in order to develop and implement effective and specific reentry plans that maximize a parolee’s opportunity to successfully reintegrate into the community.

##### **Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)**

An automated needs assessment tool software program utilized by CDCR to document, store, analyze, and share risk and needs assessments, reentry case plans, and other functions. COMPAS questions and assessments are created from

nationwide surveys and evidence-based practices and follow adult offenders from their intake at the reception centers through the completion of their parole supervision requirements.

#### **Criminogenic Need**

An attribute of the inmate that is directly linked to criminal behavior.

#### **Female Sex Offender Risk Assessment (FSORA)**

A risk assessment of a female sex offender inmate's past to assess the likelihood that the inmate will commit another sex crime.

#### **Static-99R**

A risk assessment of a male sex offender inmate's past to assess the likelihood that the inmate will commit another sex crime.

#### **86040.4 Assessment**

The pre-release process starts with an assessment of the parolee's criminogenic needs and probable risks to the community, which are used to assist the parolee with successful reintegration into the community and reduce the risk of recidivism.

APOMS notifies CTP staff of an inmate's upcoming release 210 days prior to their Earliest Possible Release Date, or 270 days if the inmate is a sex offender.

Upon notification from APOMS, CTP staff utilize the COMPAS system to document and archive the Reentry Assessment, Reentry Summary, Reentry Case Plan, Static-99R, FSORA, and manual CSRA. Case Records staff at each institution shall notify CTP staff of any change to an inmate's status that will result in an unanticipated release on short notice, of any inmate whose release supervision status changes from Post-Release Community Supervision to DAPO.

CTP staff at each institution will review inmates' records in the Strategic Offender Management System (SOMS) and the Electronic Records Management System (ERMS) to determine eligibility for assessment. Assessments are not conducted on inmates who are Mexican Nationals and have an Immigration and Customs Enforcement detainer in place.

#### **86040.4.1 Reentry Summary**

A summary of the offender's case factors, to determine pertinent information regarding case planning and supervision strategies. The Reentry Summary shall utilize necessary data from existing records generated by or provided to the CDCR (probation officer's reports, police reports, parole violation reports, various mental health assessments, etc.). These records are accessed through ERMS and/or SOMS. The Reentry Summary will be entered into the COMPAS system by CTP staff.

#### **86040.4.2 Reentry Assessment**

The Reentry Assessment is completed during a face-to-face interview with the inmate to determine criminogenic needs. The interview is generally conducted by CTP staff, however, a designated staff member who has been specifically trained by CTP may also serve as the interviewer.

Prior to conducting an interview with an inmate or parolee, CTP staff shall review the inmate's or parolee's information in the Disability and Effective Communication System (DECS). CTP staff shall provide reasonable accommodations to ensure effective communication.

#### **86040.5 Criminogenic Needs**

The Reentry Assessment identifies the specific needs of each inmate. The COMPAS system will quantify the criminogenic needs of the COMPAS Reentry Assessment in bar chart form and each need is scored on a (one (1) through ten (10)) scale. For male inmates, the needs will be separated by category and identified as unlikely, probable, or highly probable. For female inmates, the needs will be separated by category and identified as low, medium, and high. High or highly probable scores are the criminogenic needs that are most likely to result in a parolee committing a new crime if not addressed.

#### **86040.5.1 Criminogenic Needs for Males**

- Anti-Social Personality or Temperament: an overall lack of adherence to the social mores and standards that allow members of a society to peacefully coexist.
- Anti-Social Cognitions: attitudes, values, beliefs, and rationalizations supportive of crime, with mental processes including emotional stages of anger, resentment, and defiance.

- Substance Abuse: the abuse of drugs and/or alcohol. Highly probable inmates have a lengthier and more severe history of substance abuse.
- Reentry Financial: the degree to which an inmate experienced poverty and financial problems.
- Employment and/or School: the degree of success or failure in the areas of work and education. Inmates with a highly probable score will need more support and assistance in finding work and education.
- Reentry Residential Instability: the degree to which an inmate has long-term ties to the community.

#### **86040.5.2 Criminogenic Needs for Females**

- Anti-Social Personality or Temperament: an overall lack of adherence to the social mores and standards that allow members of a society to peacefully coexist.
- Anti-Social Cognitions: attitudes, values, beliefs, and rationalizations supportive of crime, with mental processes including emotional stages of anger, resentment, and defiance.
- Substance Abuse: the abuse of drugs and/or alcohol. High score inmates have a lengthier and more severe history of substance abuse.
- Reentry Financial: the degree to which an inmate experienced poverty and financial problems.
- Employment and/or School: the degree of success or failure in the areas of work and education. Inmates with a high score will need more support and assistance in finding work and education.
- Reentry Residential Instability: the degree to which an inmate has long-term ties to the community.
- History of Mental Illness: whether an inmate has ever attempted suicide, been involved in prior counseling/therapy, taken medication, seen things or heard voices, been hospitalized, or been diagnosed with a mental illness.
- Experience of Abuse as a Child: the need to address physical and sexual abuse as a child and how the trauma of it affects an inmate's current state. Inmates with a high score indicate that the inmate experienced severe abuse.
- Experience of Abuse as an Adult: the need to address physical and sexual abuse suffered as an adult. Inmates with a high score indicate that the inmate experienced severe abuse as an adult.
- Mental Health-Current Symptoms of Depression or Anxiety: the level of depression or anxiety felt by the inmate at the time the assessment is conducted. A high score indicates that the inmate has a history of depression or anxiety.
- Mental Health-Current Symptoms of Psychosis: the frequency, if any, that the inmate is hearing voices or seeing images (hallucinating) while incarcerated.
- Employment/Financial: the degree of success or failure in the areas of work and education. Inmates with a high score will need more support and assistance in finding work and education.
- Relationship Dysfunction: the degree to which the inmate experienced relationship difficulties resulting in a loss of personal power. This also measures whether an inmate had a greater tendency to commit crimes while in a relationship.
- Parental Stress: the degree to which the inmate feels overwhelmed by parental responsibilities and the extent of support offered by family. A high score indicates that the woman has poor support from the child's father and feels overwhelmed.
- Housing Safety: the level of violence and safety experienced within her residence prior to incarceration. A high score indicates that the inmate has a history of living in unsafe environments.

#### **86040.5.3 Strength Scales for Female Inmates**

Strength scales are scored low, medium, and high for female inmates. These strengths, when present, contribute to a lower risk of recidivism.

- Self-Efficacy: the degree to which the inmate feels they are capable of achieving their goals and handling problems.
- Parental Involvement: the degree to which the inmate maintains contact with her children, and how involved she will be in her child's life upon release.

#### **86040.6 Reentry Case Plan**

The Reentry Case Plan is an interactive plan developed with the offender to address the criminogenic needs identified in the Reentry Assessment. The Reentry Case Plan will suggest programs and services based on goals, tasks, and

geographical considerations in the inmate's County of Last Legal Residence to help address a specific criminogenic need. CTP staff shall select the appropriate programs and services for each goal and task identified in the Reentry Case Plan. The resources generated are based on the interview, case factors, and those specifically requested by the offender and then reviewed by the offender with CTP staff. A copy of the Reentry Case Plan shall be provided to the offender prior to exiting the institution.

#### **86040.6.1 Reentry Case Plan Procedures**

1. Field unit support staff will print the following documents from the COMPAS database and place them in the field file:
  2. COMPAS Reentry Bar Chart
    - COMPAS Reentry Case Notes
    - COMPAS Reentry Summary
    - COMPAS Reentry Case Plan (two copies)
3. If the COMPAS system does not have a Reentry Case Plan and the inmate is due to parole within 60 days, the parole agent shall contact the CTP unit to request completion of the Reentry Case Plan.
4. The parole agent shall review the COMPAS documents in the field file.
5. After release, the parole agent shall review the Reentry Case Plan with the parolee and instruct the parolee to sign one copy of the Reentry Case Plan. The parole agent will sign the same copy. If the parolee refuses to sign, the parole agent will note that on the Reentry Case Plan.
6. The parole agent shall give one copy of the Reentry Case Plan to the parolee and file the signed copy in the field file.
7. The parole agent shall ensure the field file contains all of the documents listed above.

#### **86040.7 Static-99R and Female Sex Offender Risk Assessment**

The Static-99R is a numerical scale that identifies the likelihood of a male sex offender to commit another sex crime. A male inmate who scores four (4) or higher is defined as a High Risk Sex Offender (HRSO).

The FSORA is an evaluation of the factors of a female sex offender's criminal history and behavior. A female inmate who is rated as "Moderate Risk" or "High Risk" is defined as a HRSO.

CTP staff, under the direction of the CTP Parole Administrator, are the sole entity within the CDCR responsible for completion of the Static-99R and the FSORA. Prior to conducting these assessments, CTP staff must complete training conducted by experts in the field of risk assessment and the use of actuarial instruments in predicting sex offender risk. This training shall occur at least every two years.

The Static-99R and FSORA risk scores determined by CTP staff shall be used by CDCR for supervision purposes, identifying HRSOs, and for reporting to the California Department of Justice.

CTP staff will complete the Static-99R or the FSORA, and input the assessments into the COMPAS system. The parole agent shall review these assessments and provide them to the Sex Offender Treatment program when the parolee is referred for treatment.

#### **86040.8 Reentry Case Plans After Release Procedures**

There are several reasons why a pre-release Case Plan may not have been prepared for a parolee:

- A hold/warrant was placed on the inmate and was cancelled just prior to release.
- The inmate's release date was adjusted at the last minute as a result of a court ordered resentencing.
- A parolee that has returned to an institution for a new prison term receives a new Case Plan.

Upon discovery of a parolee who does not have a completed Reentry Case Plan, Reentry Assessment, Reentry Summary, the following shall occur:

- Within 45 days of release, the parole agent shall contact the CTP Call Center via electronic mail at [CTPCallCenter@cdcr.ca.gov](mailto:CTPCallCenter@cdcr.ca.gov).

Include the parolee's name, CDCR number, current location, and the parole agent's contact information. The parole agent shall submit one electronic mail per offender.

- If the parolee has returned to custody (county jail, prison, detained in another state, Department of State Hospitals, etc.) and needs only the Reentry Assessment, the parole agent shall contact the CTP Call Center via electronic mail at [ParoleCOMPASReEntry@cdcr.ca.gov](mailto:ParoleCOMPASReEntry@cdcr.ca.gov), upon release. Include the parolee's name, CDCR number, current location, and parole agent's contact information. The parole agent shall submit one electronic mail per offender.

The interview shall normally be conducted at the parole unit with the parole agent present. In the event a parolee resides in a remote geographical area or is physically unable to come into the parole unit for a phone interview, the parole agent may make arrangements with CTP staff to complete the interview and Reentry Case Plan via a different telephone.

- CTP staff will conduct the interview and complete the questionnaire.
- CTP staff shall create a Reentry Case Plan in the COMPAS system.
- The parole agent shall complete the Reentry Case Plan with the parolee present. The parole agent shall address all highly probable and probable criminogenic needs with a minimum of one goal, one task, and one service provider for each need.
- The parole agent shall issue the parolee a copy of the Reentry Case Plan and have the parolee sign a copy as described in this article.

#### **86040.8.1 Risk Assessment After Release Procedures**

There are several reasons why a pre-release risk assessment may not have been prepared for a parolee:

- Direct release from county jail.
- A hold/warrant was placed on the inmate and was cancelled just prior to release.
- The inmate's release date was adjusted at the last minute as a result of a court ordered resentencing.

Upon discovery of a parolee who does not have a completed CSRA, Static-99R or FSORA, the following shall occur:

If a CSRA score is not available prior to release from a CDCR facility, a manual CSRA score may be requested if the score is used to determine program eligibility (e.g., Alternative Custody Program, Male Community Reentry Program, Custody to Community Transitional Reentry Program, etc.). If the CSRA score is required for purposes other than determining program eligibility, the person shall be assigned a risk score of 5 until a score is calculated.

At the time of release or while on parole, if a CSRA score does not auto populate, a manual request may be submitted via electronic mail to [requestforcsra@cdcr.ca.gov](mailto:requestforcsra@cdcr.ca.gov). The request shall include the parolee's name, CDCR number, and the reason for the request. This request may take up to 45 to 60 days for a CSRA score to auto populate, until then the offender shall be assigned a risk value of 5. In the event a CSRA score is needed to complete a Parole Violation and Decision Tracking System (PVDTS) action, PVDTS will automatically send an electronic request for a manual CSRA score. CSRA scores shall not be required to process non-violation program referrals.

If the offender has a conviction for a crime requiring registration pursuant to PC 290 through 294, regardless of whether or not the offender is required to register, request a Static-99R or FSORA by sending an electronic mail to: [static99request@cdcr.ca.gov](mailto:static99request@cdcr.ca.gov).

#### **86040.9 Revisions**

The DAPO Director, or designee shall ensure that this section is current and accurate.

#### **86040.10 References**

PC §§ 290, 290.04, 294, 3020, 3015(b)(1), 3008, and 9003.

### **ARTICLE 50 — RESERVED**

### **ARTICLE 51 — DISCLOSURE OF INFORMATION**

*Revised September 24, 2018*

#### **86060.1 General**

Information about a parolee is generally not public information. The California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) is the designated owner and custodian of all parolee records. DAPO is responsible for making the determination as to how each record, file, or

database should be classified and protected. The contents and information found in any departmental data system, up to and including the Electronic Records Management System (ERMS), the Strategic Offender Management System (SOMS), the parolee field file, and the Parole Outpatient Clinic (POC) record are protected information. The procedures of in this Article govern disclosure of information about a parolee and the confidential section of a parole field file. It includes information on media; however, Title 15 of the California Code of Regulations (CCR) Sections 3260 through 3261.7 and DOM Chapter 1, Article 13 govern news media relations policies, regulations, and protocols.

#### **Parolee Records**

Parolee records maintained by CDCR include the following:

- ERMS.
- Parole Field File.
- SOMS.
- POC Record.
- Any departmental data system that contains parolee records.

### **86060.2 Responsibilities for Disclosure Determination**

#### **Electronic Records Management System**

DAPO staff will disclose information only to persons permitted to have the information.

#### **Parole Field File**

DAPO staff will disclose information only to persons permitted to have the information.

#### **Strategic Offender Management System**

DAPO staff will disclose information only to persons permitted to have the information.

#### **Parole Outpatient Clinic Record**

Only the POC Chief Psychiatrist or designated POC employees are authorized to disclose information maintained in the POC record. POC employees shall follow Health Insurance Portability and Accountability Act guidelines in providing for the privacy and security of protected health information. External agency disclosure of information requires a signed CDCR Form 7385-A, Authorization For Release of Information-DAPO. Internal agency disclosure will not require an Authorization For Release of Information form.

With the exception of designated POC employees, no other DAPO employee is authorized to release POC records to anyone not employed by CDCR.

#### **Departmental Data Systems**

DAPO staff will disclose information only to persons permitted to have the information.

### **86060.3 Authorized Disclosures**

Parolee information may generally be accessed by court order or subpoena. The disclosure of a parolee record or file information by oral or written means shall be made subject to a need to know verification as well as the identity of the requester unequivocally verified. Only those departmental employees who have been trained and specifically designated are authorized to disclose information contained in any departmental parolee record. Disclosures of information may be made to:

#### **Departmental Employees**

- CDCR officials, employees, contractual employees, and authorized volunteers of CDCR if such disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired. If the Office of Internal Affairs (OIA) is requesting the parolee records, verify if the request is pursuant to an administrative or criminal justice case. OIA has restricted access to parolee medical/mental health records when conducting criminal investigations pursuant to Penal Code (PC) 1543.

#### **Public Agencies**

- A person or agency where the transfer is necessary for CDCR to perform its constitutional or statutory duties, and such use is compatible with a purpose for which the information was collected.

- A governmental entity when required by State or federal law.
- A law enforcement agency when required for an investigation of unlawful activity, unless such disclosure is otherwise prohibited by law.
- A person or governmental organization when necessary to obtain information for an investigation by CDCR of a failure to comply with a specific State law which CDCR is responsible for enforcing.
- California State Archives as a record which has sufficient historical or other value to warrant its continued preservation by the State or for evaluation by the director of General Services or the archivist or designee to determine whether the record has such value.
- A committee or a member of the Legislature, or to a member of a legislator's staff when authorized in writing by the legislator, where the subject of information has given his or her permission for such disclosure, or where the legislator provides reasonable assurance that he or she is acting on behalf of the subject to whom the information pertains.
- Any person where the disclosure is in accordance with the California Public Records Act, Government Code (GC) 6250, et seq. and DOM Chapter 1, Article 16.

#### **Statistical and Scientific Researchers**

Pursuant to PC 13202, parolee information may be released to public agencies or bonafide research bodies who are immediately concerned with the prevention or the control of crime, the quality of criminal justice, or the custody or correction of offenders if it is required for the performance of their duties, provided that they do not identify specific individuals.

CDCR has a formal research review process pursuant to PC §§ 3500 – 3524, section 3369.5 of the Title 15, and DOM section 140205 and 14020.5.1, a person or educational institution conducting scientific research shall submit to the Chief of Research, Office of Research, a research proposal in the format described in DOM section 14020.8.

Upon receipt, review of research proposals shall be carried out by the Research Advisory Committee (RAC). For each proposal, the RAC shall recommend that it be approved, approved with qualifications, or disapproved. The recommendation shall be submitted to the Director for final approval/disapproval. In the event parole unit staff receives a research request, staff shall refer the individual to the CDCR Office of Research.

#### **Persons Under Compelling Circumstances**

Pursuant to a determination by CDCR that compelling circumstances exist that impacts the health or safety of an individual. Upon such disclosure notification shall be transmitted to the individual to whom the information pertains at his or her last known address. Disclosure will not be made if it is in conflict with other State or federal law.

#### **Other Persons**

With prior written voluntary consent of the individual to whom the record pertains, but only if such consent has been obtained not more than 30 days before the disclosure, or in the time limit specified by the individual in the written consent. The request shall be submitted on a CDCR Form 7385-A. The authorization for release of the information will expire on the date indicated on the form by the named parolee.

#### **Courts**

CDCR staff will not take parole field files to court. However, if a court orders disclosure of a file or issues an order to show cause why a file should not be disclosed, or pursuant to a subpoena or other compulsory legal process, a CDCR representative will contact departmental counsel before responding to the order. CDCR must reasonably attempt to notify the parolee, if such notification is not prohibited by law.

#### **Persons Pursuant to an Olson Review**

*In re Olson*, a 1974 Appellate Court decision, ruled that CDCR has an obligation to disclose to an inmate or an inmate's attorney most documents in files pertaining to the inmate, upon request. *In re Olson* also applies to parolees. Information or documents that need not be disclosed are those that would jeopardize the security of the institution, a parole operation, or the safety of an individual. This includes information provided to DAPO and classified as confidential by another government agency. These documents shall be kept in the confidential section of the parole field file or ERMS.

#### **Release Information Under Megan's Law**

Information regarding individuals required to register under PC 290-290.23 is available on the Department of Justice (DOJ) Megan's Law website located on the internet at <http://www.meganslaw.ca.gov/>. Pursuant to PC 290.45, CDCR is allowed to provide information to the public about a person required to register

under PC 290. This information may be released by whatever means the entity deems appropriate, when necessary to ensure public safety based upon information available to the entity concerning that specific person. This disclosure must be accompanied by a statement that defines the purpose for the release of information is to allow members of the public to protect themselves and their children.

#### Additional Agencies

Request for parolee information may be received, specifically, from the Office of Inspector General (OIG), DOJ, and other verifiable law enforcement agencies. These specific requesters are allowed to view the confidential section of ERMS. However, depending upon the requester, they may need the Regional Parole Administrator's (RPA) approval before being allowed to receive confidential information. When a request for information is received staff shall follow these guidelines:

- Identify who is requesting the parolee records.
- Establish that the requester is investigating an incident or prosecuting a case.
- If OIG is requesting the parolee records, verify if the request is pursuant to an administrative or a criminal case.
- Clarify which records are being requested.
- Based on that information, use the matrix below to determine if the requester is permitted to have access to the parolee records and what limitations, if any, there are to the access of those records. The requester is permitted to have copies of the parolee records. Under no circumstances is the requester allowed to take the original files off CDCR premises or be allowed to remain alone with the file without the presence of a DAPO staff member.
- In their capacity of counsel for the Department, the assigned Deputy Attorney General contract counsel may access CDCR parolee records related to litigated cases.

#### RELEASE OF PAROLEE RECORDS BY REQUEST MATRIX

Records	OIG* Administrative Investigation	OIG* Criminal Investigation	Law Enforcement Agencies***
Non-Confidential Section in ERMS	View & Copy	View & Copy	View & Copy
Confidential Section in ERMS	View & Copy	View & Copy	OK to View; Copy only with RPA Approval **
Medical/ Mental Health Records	View & Copy	Access Restricted (PC § 1543)	Access Restricted (PC § 1543)

\* The OIG has access to all CDCR records for audit purposes.

\*\* The RPA may appoint a designee to approve/disapprove the request for a copy of the confidential section. Contact the Office of Correctional Safety (OCS) when the confidential section includes gang information. When the confidential section is located at Parole Case Records in lieu of the RPA (or designee's) approval, contact OCS for approval.

\*\*\* To include local law enforcement and other verifiable State and federal law enforcement agencies.

#### 86060.4 News Media Inquiries

The CDCR Press Office, located at CDCR headquarters in Sacramento, oversees all media outreach and articulates the Department's position on operations, policies, employees, offenders, programs, and issues. The Press Office manages crisis communications, solicits media coverage of departmental activities, serves as liaison to the media and releases public information to the public. The Press Office provides guidance and direction the public information officers in prisons, parole and the Division of Juvenile Justice. The office facilitates media access to institutions, programs, employees and offenders pursuant to state law and departmental policies. The Press Office either responds or coordinates a response with the Office of Legal Affairs staff to media requests made under the California Public Records Act (PRA).

All news media inquiries, routine media interviews, and requests for media access to parole facilities and programs will be reported through the immediate supervisor to the Office of Public and Employee Communication (OPEC) to coordinate responses and follow-ups with the appropriate RPA, Divisional Parole Public Information Officers (PIO) or their designee. The OPEC PIO will work with the RPA, Divisional Parole PIO or their designee to notify the Deputy Director, DAPO, of any occurrence or situation of unusual public interest that involves a parolee, parole operations, or staff and to gather information, develop messages, and coordinate a response.

#### 86060.5 Documents and Information that may be Released to the Public or News Media

The disclosure of public records is outlined in GC 6254 and DOM Chapter 1, Article 16. CDCR records and files pertaining to any individual are not public records and will not at any time or under any circumstances be made accessible to the general public or the public news media. Non-personal information obtained from such records and files may be disclosed to individual members of the general public and to representatives of the public news media. Information will be disclosed only by those departmental employees who have been trained and specifically designated to disclose this type of information. All records requests under the PRA shall be referred to the appropriate PRA Coordinator in the parole region or division headquarters where the request is received, pursuant to DOM Chapter 1, Article 16. The PRA Coordinator will determine what public records may be released under the PRA. If the PRA request is from a news media outlet, DAPO will be the lead in contacting the respective PRA Coordinators, and will keep the RPA, Divisional Parole PIO or their designee informed on the response to the media.

#### Public Information Officer

DAPO Division headquarters, located at 1515 S Street in Sacramento, and each parole region shall maintain at least one PIO to respond to media inquiries and public information requests in coordination with OPEC. The Region PIO will be responsible for contacting the DAPO Division PIO about any media calls to collaboratively work with OPEC on information gathering, message development, and response to the news media, as well as informing the Division PIO or his or her designee for approval by the Deputy Director to release information. As news media calls related to parole and parolees are often cases that may impact public safety, OPEC and the DAPO Division PIOs will be responsible for:

- Gathering information, developing messages and issuing a response to the news media accurately and promptly regarding a regional incident or newsworthy event.
- Responding to all news media inquiries within their assigned area accurately and promptly.
- Approving and facilitating news media requests for access to facilities and routine interviews.
- Coordinating news media access to any planned public events.

#### Media Inquiries

News media inquiries shall be given high priority. Upon receipt of a news media inquiry by parole unit staff, the media representative's contact information shall be obtained, including their name, affiliation, telephone number and email address. The news media representative may be referred to OPEC for official contact. OPEC will then work with the DAPO Division PIO for response. Staff shall gather facts as quickly as possible and provide these facts to OPEC and the appropriate PIO to assist in their response. If the requested facts are not known or are otherwise not available, this information shall also be shared, along with the reasons as to why the information is not available.

#### Routine Media Interviews

The Division's Director or designee, in coordination with OPEC, may permit news media representatives random face-to-face interviews with parolees housed in facilities under the jurisdiction of the Department, and random or specific person face-to-face interviews with staff. Such interviews shall be conducted as stipulated by the PIO. Staff and parolees shall not be compelled to answer any questions by the media, nor shall their photograph be taken without their permission. The exception would be photographs taken of a facility and any staff or parolees entering or exiting the facility, if the photograph is taken from a public area.

#### Public Events

Facility openings, program recognitions, employee awards ceremonies, or any other event which may warrant media attention shall be coordinated with OPEC and the designated PIO. Parole unit staff shall inform the PIO of the event with as much advanced notice as possible who will then contact OPEC to discuss the event logistics and news media notifications. The notification to media should include

the date, time, agenda, event participants, and a brief synopsis of the event. Upon notification, the PIO can delegate the coordination of this function to the District Administrator.

#### **Media Access to Parolees**

Pursuant to Section 3261.5(f) of Title 15 of the CCR, “News media and non-news media representatives may be permitted random face-to-face interviews with inmates or parolees housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place and duration of the interviews, and size of technical crews.” A parolee cannot be revoked or punished, reclassified, disciplined or otherwise retaliated against solely for participating or communicating with a visit by the news media. (CCR, Title 15, Section 3261.5(b)(1).)

#### **Media Access to Facilities**

If representatives from the media request access to a State facility, the request will immediately be referred to OPEC and the designated DAPO PIO for processing and approval. The DA in charge of the facility shall inform the media representative making the request that their request has been forwarded to the appropriate PIO. The contact information for OPEC and the PIO shall be provided to the requesting agency. OPEC will work with the PIO to approve the request. Under no circumstances shall the District Administrator allow news media access to the facility without prior written approval from the PIO.

If a request for access is authorized, the media representative(s) must submit the following information to verify their affiliation:

- Full name.
- Date of birth.
- Driver license number.

The PIO will advise the news media representative that he or she will be subject to security screening and must present credentials and valid photo identification prior to being allowed access into the State facility. The PIO will inform the news media representative of the appropriate date, time, and equipment allowed into the State facility and of any other pertinent information.

The PIO or designated staff will be present at all times during the visit to escort the news media representatives through the facility. Access to sensitive areas of the facility will not be permitted; however, exceptions may be made by the DAPO Director or designee on a case by case basis in consultation with the Assistant Secretary of OPEC or his or her designee, pursuant to Title 15 Section 3261.1. If, at any time before or during a media visit it is determined that a potential threat to safety or security exists, the visit will be suspended.

#### **Incidents or Events**

OPEC and the designated DAPO PIO shall be the primary sources of information regarding an incident or newsworthy event involving parole issues, parole operations, parole staff or a parolee. If a newsworthy incident or event occurs, and the parole unit is contacted by the news media, the inquiry shall be referred to OPEC and the designated DAPO PIO. PIOs shall immediately notify OPEC of any occurrence or situation of unusual, significant, potential and prolonged news media interest. Examples include:

- Critical incidents and incidents involving fatalities.
- Escapes, accidental release of an inmate.
- Incidents involving a high-profile offender, crisis or high-profile situation.
- Staff assaults causing serious bodily injury.
- Use of deadly force.

CDCR often receives requests from the news media for information about current and former inmates and parolees. Title 15 Section 3261.2(e), specifies what can be shared with the media about an offender. An offender's authorization is not needed. News media representative also often ask for photos of offenders. Offender photos are public documents and as provided for by section 3261.7(d), “unless there is a specified threat of imminent danger to an inmate or parolee by releasing their departmental identification photograph, news media representatives as defined in Title 15 Section 3261.5(a)(1) and non-news media representatives as defined in Title 15 Section 3261.5(a)(2)

shall be permitted access to photographs without the inmate's or parolee's consent.”

When receiving a request from the news media for a photo of or commitment offense information of an offender, the first point of contact is OPEC. OPEC will make a reasonable effort to determine whether the offender is the subject of a law-enforcement investigation or prosecution. If so, OPEC will advise that agency of the media's request and ask if sharing the offender information and/or photograph at that time might hamper the investigation. If the criminal justice agency specifically requests that the information and/or photograph be temporarily withheld, OPEC, will relay that decision to the news media, along with contact information for the agency for any needed follow up.

Pursuant to Title 15 Section 3261.2(g), any information endangering an employee or concerning an employee who is a crime victim shall not be released to the media.

DAPO staff shall successfully complete an annual Information Security Awareness training available through the Regional Training Coordinators.

#### **Criminal History**

As provided in PC 11105, information on the State Summary – Criminal History (SSCH) may not be used to furnish information concerning an inmate or parolee to an agency or person not authorized to receive it.

#### **Criminal Offender Information Released for Escape Notification**

PC Sections 4537(b) and 4537(c) direct CDCR to release certain descriptive information about any person who has escaped from custody. Information requests regarding escapees shall be referred to CDCR OPEC via electronic mail at [OPEC@cdcr.ca.gov](mailto:OPEC@cdcr.ca.gov).

#### **Adult Probation Report**

PC 1203.05 prohibits disclosure of this report to the general public.

#### **86060.6 Disclosure of Religious Information**

Pursuant to GC 8310.3, DAPO staff shall not:

- Provide or disclose to federal government authorities information regarding the religious beliefs, practices, or affiliation of any parolee for purposes of compiling a list, registry, or database based on the religious affiliation, national origin, or ethnicity of that person.
- Make information from DAPO databases available including any databases maintained by private vendors contracting with DAPO, to anyone or any entity for the purpose of investigation or enforcement under any federal government program compiling a list, registry, or database of parolees based on religious belief, practice, affiliation, national origin or ethnicity for law enforcement or immigration purposes.
- Collect information on the religious belief, practice, or affiliation of any parolee except as part of a targeted investigation based on reasonable suspicion that the parolee has engaged in, or has been the victim of, criminal activity, and when there is a clear nexus between the criminal activity and the specific information collected about religious belief, practice, affiliation, or where it is necessary to provide religious accommodations.
- Use DAPO resources to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that parolees register with the federal government or any federal agency based on religious belief, practice or affiliation.

Nothing in this section:

- Prohibits DAPO staff from sending to, or receiving from, any local, state, or federal agency, information regarding an individual's citizenship or immigration status.
- Is intended to prevent DAPO staff from compiling aggregate non-personal information about religious beliefs, practice, or affiliation, national origin, or ethnicity, or from exchanging it with other local, state, or federal agencies.
- Prevents DAPO staff from assisting, participating with, or requesting participation from federal authorities, so long DAPO as acts in accordance with this section and any other applicable law.

#### **86060.7 Accounting of Parolee Record Disclosure**

Except for those disclosures made to departmental personnel, every parole unit of DAPO that maintains records on parolees will also maintain, as part of each record, a CDC Form 819, IPA Personal Information Disclosure Log. Entry on the form will be made regarding any disclosure of information from the record.

The accounting will be retained in the record or file for at least three years after the disclosure is made or until the record is destroyed, whichever is shorter.

DAPO must inform any individual or agency to whom personal or confidential record information has been disclosed within the previous three years of any amendment, correction of error, or notation of dispute.

The exceptions to the previous requirement are as follows:

- An accounting (entry on log) is not required for copies routinely routed to the data subject; e.g., discharge review reports, etc.
- An accounting is not required when disclosures are made to agencies authorized by PC 11105 to receive SSCH information or when disclosures are made between law enforcement officers on field duty.

#### **86060.8 Collection of Information**

Personal and confidential information will be collected to the greatest extent possible directly from the individual who is the subject of the information rather than from other sources.

Exception: CDCR is required by PC 2081.5 to collect and maintain information on parolees obtained from any interested agencies or persons.

When information is collected from other than the parolee, the sources of the information shall be maintained in the information or clearly referenced to another section of the file/record.

All parolees from whom information is collected will be notified per departmental procedures meeting this requirement:

- Parolees will be notified through the issuance of the California Code of Regulations (CCR), Title 15, Division 3. Prior to issuance of the CCR written and/or verbal notification will be given. Upon issuance of the CCR, it will serve as continuing notification.
- Individuals other than personnel and parolees will be provided notification, with the CDCR Form or form letter used to collect the information.
- Notification requirements are met if the individual from whom information is collected received notice within one year of the last request.

#### **86060.9 Revisions**

The Deputy Director, DAPO, shall ensure that this article is current and accurate.

#### **86060.10 References**

DOM §§ 13010 and 13030.

GC §§ 6250, 6253, and 8310.3.

PC §§ 2081.5, 1203.05, 11105, 4537, 290.45, 13202, and 3000.1.

CCR (15) (3).

### **ARTICLE 52 — ACCESS TO PAROLEE RECORDS**

*Revised June 12, 2018*

#### **86070.1 Policy**

The California Department of Corrections and Rehabilitation (CDCR) case record information is designated as confidential and is not accessible for general inspection. Case law (*In re Olson*) and Civil Code (CC) 1798.24 provide parolees and other specified individuals access to a parolee's non-confidential case records with written consent of the parolee. It is the policy of CDCR, Division of Adult Parole Operations (DAPO) to abide by all applicable laws to provide the parolee, and other specified individuals with written consent of the parolee, access to the parolee's non-confidential records for review. Except for private attorneys hired to represent CDCR, the Office of the Attorney General, the Inspector General, and as provided by applicable federal and State law, no copies of the parole field file, Electronic Records Management System (ERMS) data, Parole Outpatient Clinic (POC) record, or components thereof shall be released to any agency or person outside of CDCR without a court order. When a court order is received, DAPO staff shall immediately contact the Litigation Coordinator for appropriate handling as outlined in Department Operations Manual (DOM) section 85080.5.

#### **86070.2 Purpose**

The purpose of this article is to establish guidelines for uniform interpretation, application, and administration of providing a parolee and other specified individuals access to conduct an Olson review of the parolee's non-confidential case records, including parole field file, ERMS data, or POC record.

#### **86070.3 Levels of Decision**

##### **Parole Field File**

A written request to examine the parole field file of a parolee shall be referred to the unit supervisor or designee for approval.

##### **Electronic Records Management System**

A written request to examine the ERMS data of a parolee shall be referred to the Regional Parole Administrator (RPA) or designee for approval.

##### **Parole Outpatient Clinic Record**

A written request to examine the POC record of a parolee shall be referred to the Chief Psychiatrist or designee for approval.

If a request is submitted to review two or more of the records, the request shall be referred to each respective level of decision cited above for approval.

##### **Time Limits**

Within seven days of receiving a request to examine the parole field file, ERMS data, or POC record of a parolee, the person or designee specified in the above paragraphs shall notify the person requesting the examination whether the request is denied or approved.

##### **Scheduling an Examination of a Parole Field File, ERMS Data, or POC Record**

The parole field file, ERMS data, or POC record of a parolee, shall be made available as soon as possible for Olson review. The requester has no later than the following time limits from the date of request to review the parole field file, ERMS data, or POC record pursuant to CC 1798.34:

- Active records, 30 days.
- Inactive records, 60 days.

If the time expires the requester shall be required to resubmit a written request to view the parole field file, ERMS data, or POC record.

#### **86070.4 Persons Permitted Access**

##### **Department Staff**

All DAPO staff may have access to confidential and non-confidential information about a parolee to carry out assigned duties.

##### **Parolee**

A parolee has access only to information in the parolee's own parole field file, ERMS data, or POC record that is not classified as confidential.

##### **Attorney**

An attorney who represents the parolee has access to examine the parole field file, ERMS data, or POC record of that parolee pursuant to California Code of Regulations (CCR), Title 15, subsection 3640(e). Access is limited to information that is not classified as confidential.

##### **Designated Person**

An attorney or investigator for the attorney who is designated, hired, or appointed to represent a parolee may examine the parolee's records. A designated person may not be a parolee, or an inmate in any jail, prison, or similar institution. A designated person has access only to information that is not classified as confidential.

Additionally, information received from another agency that is classified as confidential by that agency shall not be disclosed to a designated person. The parolee, parolee's attorney, or designated person shall be referred to the agency that originated the document.

##### **Criminal Identification and Information Report**

Only a parolee and/or parolee's attorney may examine the parolee's Criminal Identification and Information (CI&I) report. If a copy of the CI&I report is needed, DAPO staff shall refer the parolee and/or parolee's attorney to the State Department of Justice, the local police department, or the sheriff's office to file an application to request a State Summary - Criminal History (SSCH) pursuant to Penal Code (PC) 11122 and DOM 13030.23.2.

#### **86070.5 Authorization for Attorneys or Designated Persons**

The attorney or designated person shall provide written and signed acknowledgement that the attorney is acting on the parolee's behalf to the person approving examination of a parole field file, ERMS data, or POC record before the examination begins.

**86070.6 Approved Request****ERMS Data**

If the RPA or designee approves a request to examine a parolee's ERMS data, the following shall be conducted:

Litigation Coordinator shall:

- Review the parolee's ERMS data and determine if any confidential information is to be exempt from review, may have been misfiled, filed in the wrong parolee's ERMS data, confidential documents filed in a non-confidential section or non-confidential documents filed in the wrong section.
- List any confidential documents withheld from the Olson review for the parolee's ERMS data on a CDCR Form 810, Confidential Information Listing (located in the confidential section of ERMS).
- Contact Parole Case Records to request an ERMS Olson review Compact Disc (ERMS-CD).
- Perform redaction and deletion of the advanced mashup generated by PCR using Adobe Acrobat Professional Document Format (PDF).
- Provide a copy of the completed CDCR Form 810 to the unit supervisor and/or the assigned parole agent.

Parole Case Records shall:

- Prepare a Strategic Offender Management Systems (SOMS)/ERMS advanced mashup PDF at the request of the litigation coordinator which shall be saved to a shared drive.
- Create a SOMS/ERMS advanced mashup encrypted and password protected ERMS-CD and mail to the designated parole unit as requested by the litigation coordinator.

Parole Unit:

- Upon receipt of the ERMS-CD and the CDCR Form 810 completed by the litigation coordinator, the unit supervisor shall assign a parole agent to review the ERMS-CD.
- The unit supervisor or the parole agent shall notify the person requesting the examination of the time and place scheduled for the ERMS data review.
- The unit supervisor or the parole agent shall provide a copy of the CDCR Form 810 to the parolee, parolee's attorney, or designated person requesting the examination immediately prior to the review. The parolee, parolee's attorney, or designated person shall sign a copy as proof of receipt.
- The unit supervisor or the parole agent shall place the ERMS-CD in the designated stand-alone computer for Olson reviews.
- The unit supervisor or the parole agent shall supervise the examination of the ERMS-CD pursuant to DOM section 86070.12.
- Upon completion of the Olson review, the ERMS-CD shall be returned to Parole Case Records for proper disposal.

**Parole Field File**

If the unit supervisor approves a request to examine a parolee's parole field file, the following shall be conducted:

Parole Unit:

- The unit supervisor shall designate a parole agent to review the parole field file for verification that all documents in the confidential section have been appropriately placed in this section and that all other sections of the parole field file do not contain items that need to be placed into the confidential information section. The parole agent shall print his or her name, sign and date the CDCR Form 2151, Parole Confidential Information Listing, in the "Individuals Reviewing the Field File" column. If documents have not been placed appropriately, the items in question need to be addressed using the procedures outlined in DOM section 86070.11 regarding the addition and removal of documents.
- The unit supervisor or the agent of record shall remove the confidential section from the field file prior to the review and place it into the designated slot where the parole field file is stored.

- The unit supervisor or the agent of record shall notify the person requesting the examination of the time and place scheduled for the parole field file examination.
- The unit supervisor or the parole agent shall provide a of the CDCR Form 2151 to the parolee, parolee's attorney, or designated person requesting the examination immediately prior to the review. Have the parolee, parolee's attorney, or designated person sign and date as indicated on the form.
- The unit supervisor or the parole agent shall supervise the examination of the parole field file pursuant to DOM section 86070.12.

**POC Record**

If the Chief Psychiatrist or designee approves a request to examine a parolee's POC record, the following shall be conducted:

Mental Health Program Supervisor shall:

- Review the POC record for confidential information.
- Any confidential information found shall be redacted.
- Ensure a copy of only the redacted POC record is forwarded to the parole unit POC staff for review with the requestor.
- Ensure the non-redacted version of the POC record remains with the Mental Health Program Supervisor.

Parole Unit POC Staff:

- Shall notify the person requesting the examination of the time and place scheduled for the POC record examination.
- Shall review the POC record with the requestor. The review shall take place at the parole unit in the presence of POC parole unit staff during regular business hours. Staff supervising the review of the POC record may answer questions about non-confidential information related to the record or refer the requester to the region's Mental Health Program Supervisor. Questions regarding any confidential information shall be referred to the region's Mental Health Program Supervisor. Staff shall not engage in debates, justification, or discussions regarding Departmental actions.

**86070.7 Denied Request**

The person denying a request to examine a parole field file, ERMS data, or POC record shall document the denial and the reasons in a letter to the person making the request. A copy of the letter shall be placed in the in the respective file. A parolee who is denied permission to review the parole field file, ERMS data, or POC record shall also be given written notification of the right to an appeal.

**86070.8 Location of Examination**

Examination of a parolee's parole field file, ERMS data, or POC record shall take place where the case record is usually maintained with the following exceptions:

- If a court orders a parole field file, ERMS data, or POC record to be examined at another location, the department shall comply with the order.
- If an attorney requests to examine a parole field file or ERMS data at a location near the attorney's office, the request may be granted provided the examination is supervised by a DAPO staff person.
- The person approving a request for examination may also approve an alternate site for the examination.

**86070.9 Screening a Parole Field File or ERMS Data**

The reviewer (e.g., the litigation coordinator, unit supervisor, parole agent) shall screen all material in the parole field file or ERMS data for confidential information. The existence of a confidential information section or a CDCR Form 2151 in a parole field file or a CDCR Form 810 in ERMS data shall not prevent a thorough screening of all material in the parolee's record. The purpose of the screening is:

- To evaluate material already classified as exempt or non-exempt to reaffirm the validity of the determination.
- To classify materials as exempt or non-exempt according to the CCR, Title 15, section 3321, and DOM section 13030.19.
- To prepare/update the CDCR Form 2151 or CDCR Form 810.
- To ensure that all confidential material, including information/reports provided to DAPO and classified as confidential by another agency, is placed in the confidential information section of a parole field file or ERMS data.

**86070.10 Preparation of Confidential Information**

If there is material in the parolee's record deemed confidential that is to be withheld from disclosure, it is required that the general nature of the withheld document(s) and the reason for non-disclosure is made known. The CDCR Forms 810 or 2151 are used to fulfill this requirement.



**ERMS Data**

The following items shall be withheld for an Olson review and identified as confidential on the CDCR Form 810:

- Any report (not limited to police reports) containing the addresses of fearful victims, fearful witnesses, and/or confidential informant information including any non-redacted versions of police reports containing this information.
- Information that, if known to the parolee, would endanger the safety of any person.
- CDCR Form 1707, Request for Victim Services.
- Information that would jeopardize the security of any institution, internal affairs investigation, or parole operation.
- Information provided to CDCR and classified as confidential by another government agency.

**Parole Field File**

The following items shall be placed in the Confidential Information Section of the parole field file and identified on the CDCR Form 2151:

- Any report (not limited to police reports) containing the addresses of fearful victims, fearful witnesses, and/or confidential informant information including any non-redacted versions of police reports containing this information.
- Information that, if known to the parolee, would endanger the safety of any person.
- CDCR Form 1707, Request for Victim Services.
- Information that would jeopardize the security of any institution, internal affairs investigation, or parole operation.
- Information provided to DAPO and classified as confidential by another government agency.

Any confidential information received by a parole agent shall be placed on a CDCR Form 1617, CDCR Memorandum, and then given to the unit supervisor for review and certification before placement into the confidential information section of the parole field file. Only a unit supervisor or the designee acting in the capacity of a unit supervisor shall certify a document for placement in, or removal from, the confidential information section of the parole field file.

Medical documents verifying a disability shall be placed in the Americans with Disabilities Act envelope in the parole field file. Any medical documents received by a parole agent that are not source documents or related to supervision shall be forwarded to Parole Case Records.

CDCR Form 2151 shall be maintained directly below the "CONFIDENTIAL" divider on the left side of the parole field file. The confidential documents in the parole field file shall be identified by a parole agent when an attorney contacts DAPO for the purposes of a parole field file review. A document is identified as needing to be deemed confidential by a parole agent or the unit supervisor during the normal course of receiving and reviewing paperwork to be placed in a parole field file.

When placing confidential documents in the confidential information section, a parole agent shall do the following:

- Identify documents to be deemed as confidential.
- Forward the documents to the unit supervisor or the designee for verification of confidentiality.
- Place the confidential documents under the "CONFIDENTIAL" divider on the bottom left side of the parole field file after the unit supervisor or designee has verified the confidential documents and stamped each document at the top and bottom with the word "CONFIDENTIAL" in red ink.
- Complete CDCR Form 2151 after placing the identified confidential items into the confidential information section of the parole field file.

When completing CDCR Form 2151, a parole agent shall:

- Complete the section that has the parolee's name and CDC number in blue or black ink.
- If there are no confidential documents in the parole field file, write "none" in the "Type of Withheld Document" column and record the date reviewed in the "Date of Document" column.

- If there is one or more confidential documents in the confidential information section, list each confidential document chronologically by date of the document, starting with the oldest.
- Write the date of each document in the "Date of Document" column.
- In the "Type of Withheld Document" column, place the name of the document, source subject, and source date of the document withheld. This shall not include any information that will compromise the confidential content such as a confidential informant's name. The following are examples of acceptable entries, "Witness Statement of Battery dated January 2, 2004," and "Sacramento Police Report 04-0001 regarding Battery on January 2, 2004."
- In the "Reason for Confidentiality" column, place one of the following four identifying letters:
  - "A" – The document contains information that, if known to the parolee or others, would endanger the safety of any person.
  - "B" – The document contains information that would jeopardize the security of an institution or parole operation.
  - "C" – The document contains specific medical or psychological information that, if known to the parolee, would be medically or psychologically detrimental to the parolee.
  - "D" – The document contains information provided and classified confidential by another governmental agency.
- In the "Date Document Was Added or Removed From This Listing" column, when adding or declassifying confidential information from the confidential section of the parole field file, staff shall:
  - Check the appropriate box
  - Enter the date the document was added to or removed from the confidential section.
- In the "Signature" column, staff shall print and sign their name for each document listed.

Any document that is being considered for declassification and removal from the confidential section of the parole field file should be discussed with the person (if available) who originally classified the information as confidential. Any difference of opinion regarding the need for classification as confidential shall be referred to the district administrator or designee for a final decision.

**Handling of Confidential Documents During Court or Board of Parole Hearings**

During a revocation of parole court proceeding, if a confidential document is to be considered and is not on the SSCH and is not a general police report, then a CDCR Form 1030-P, Parole Confidential Information Disclosure, must be completed by the parole agent and included in the parole violation packet. A copy of the CDCR Form 1030-P shall be provided to the attorney representing the parolee or to the parolee if no attorney has been appointed. A CDCR Form 1030-P shall be completed as follows:

- Complete the section that has the parolee's name and CDCR number.
- Complete the "Use of Confidential Information" section.
- Complete the "Reliability of Source" section. If a police report was used, check "Other" and identify the reporting agency.
- Complete the "Disclosure of Information Received" section. Write a summary of the referenced confidential report. Give as much information as possible without jeopardizing the confidentiality of the document.
- Complete the "Type and Current Location of Documentation" section. This section refers to the name of the document used and the current location of this document (e.g., Drug Task Force Report dated 6/8/2004, in the confidential section of the parole field file).

During a PC 3000.1 parole consideration hearing, the Board of Parole Hearings (BPH) shall provide board-appointed counsel with a hearing packet 65 days prior to the hearing. The BPH's regulations, Division 2 of Title 15, shall govern how the BPH handles confidential information in its hearing processes.

**86070.11 Examination of a Parole Field File or ERMS Data**

Examination of a parole field file or ERMS data shall occur during regular business hours for the office in which the examination shall take place.

**Supervision of Examination**

Generally, the person assigned by the unit supervisor to review the parole field file shall supervise the examination. However, the unit supervisor may supervise the examination of the parole field file or ERMS Olson review CD or assign this task to another parole agent.

### Purpose

A DAPO staff person shall maintain the parole field file/ERMS Olson review CD under direct observation during the entire examination to prevent loss, destruction, mutilation or alteration of the contents and to ensure compliance with the examination procedures contained in this Article. The ERMS Olson review CD shall only be viewed on a Departmental non-network computer. At no time shall a reviewing party be unsupervised while reviewing parole field file/ERMS Olson review CD.

### Confidential

The confidential information section shall be removed from the case record and not disclosed to the person examining the parole field file or ERMS data.

### List of Confidential Information

A copy of the CDCR Form 2151 shall be given to the person examining a parole field file and a copy of the CDCR Form 810 shall be given to the person examining the ERMS data. The parolee, parolee's attorney, or designated person shall acknowledge receipt of the form by signing a copy of the CDCR 810 or by signing in the designated area on the CDCR 2151. If the parolee, parolee's attorney, or designated person refuses to sign, the person supervising the examination shall note the refusal on the form.

### Answering Questions

An employee supervising the inspection of a parole field file or ERMS data may answer questions about non-confidential information contained in or related to the parole field file or ERMS data or refer the requester to the person who approved the record for inspection. Employees shall not engage in debates, justification, or discussions regarding Departmental actions. Employees shall make genuine, reasonable efforts, when requested, to assist the parolee, parolee's attorney, or designated person in understanding the non-confidential information being inspected. This may include, but is not limited to, reading a document (if the requester cannot read), and explaining abbreviations and acronyms used by CDCR, DAPO. If an attorney has any challenge or concern regarding the confidentiality of any document in the confidential section of the parole field file or ERMS data, the attorney shall be directed to the Regional Litigation Coordinator.

### Note Taking

At no time shall the parolee, parolee's attorney, or designated person remove any documents from the parole field file, or be allowed to duplicate a copy of the ERMS Olson review CD. Notes may be taken during the inspection of a record. Notes shall be limited to brief references to specific documents the parolee, parolee's attorney, or designated person intends to question or discuss after the completion of the review or to specific documents the parolee, parolee's attorney, or designated person may decide to have copied. Verbatim copies of completed documents or copying lengthy portions of documents shall not be permitted during the inspection. Only pencils may be used for note-taking.

### Copies of Documents

Photocopies of documents shall be made consistent with CC 1798.34(b) and DOM section 13030.26.3. The parole agent or unit supervisor shall ensure copies are properly redacted and do not contain any third party information which may include, but are not limited to, names, addresses, and social security numbers of anyone other than the parolee. If there are concerns about providing a specific document, contact the Regional Litigation Coordinator before providing the document.

### 86070.12 Requests to Amend Records

Any person seeking to correct or amend a CDCR record obtained by DAPO from another agency shall be directed to make their request to the agency from which the record originated. Any person about whom DAPO maintains any record of personal information may request that the information be amended to correct inaccurate or incomplete information. Subsequent to examination of parole field file, ERMS data, or POC record information, the parolee shall be permitted to request, in writing, an amendment of the information contained in the parole field file, ERMS data or POC record. Such requests shall be directed to the originator of the contested information, if the originator

is an official or employee of CDCR. Within 30 days of receipt of the request to amend, the departmental official or employee shall either:

- Make correction(s) as requested by the parolee, parolee's attorney, or designated person of any portion of a record which the individual believes is not accurate, relevant, timely or complete.
- Inform the parolee, parolee's attorney, or designated person, of the denial to amend the record and the reasons for the denial. Also to be included in the notification is the right to appeal and the procedures for filing an appeal.

### 86070.13 Appeals Procedure

A parolee who is denied permission to review or to amend the parole field file, ERMS data, or POC record information shall be given written notification of the right to appeal in accordance with CCR, Title 15, Article 8, Appeals and DOM Chapter 5, Article 53, Inmate/Parolee Appeals.

### 86070.14 Statement of Disagreement

If after the appeal process is completed, including the Director's level review, and the individual's request to amend the parole field file, ERMS data, or POC record is denied, the individual shall be permitted to submit a statement of disagreement setting forth the reasons for the individual's disagreement. Specifically exempt from the provisions of this section are decisions, determinations and findings arrived at in judicial and administrative hearings relating to the disputed information, as well as other disputed information which includes and adequately reflects the individual's views, beliefs or positions relative to the disputed information. When a statement of disagreement is submitted, a statement of CDCR's reason(s) for not making the requested amendment(s) shall be prepared. Copies of both statements shall be placed in the parole field file, ERMS data, or POC record that contains the disputed information. The disputed information shall be annotated with a cross-reference to the individual's statement of disagreement.

### 86070.16 Revisions

The DAPO Director shall ensure that this article is current and accurate.

### 86070.17 References

CC §1798 et. seq.

*In re Olson.*

PC § 11122.

15 CCR §§3640(e) and 3321.

DOM §§13030.26.4, and 85080.5.

## ARTICLE 53 — UNASSIGNED

## ARTICLE 54 — CONFIDENTIAL MATERIAL

*Revised December 27, 2017*

### 86080.1 Responsibility and Occasions for Classifying Information as Confidential

Departmental staff will ensure confidentiality of information, consistent with state and federal laws and regulations. Staff, contractors, interns, volunteers and others who work with offenders are trained in and agree, in writing, to abide by confidentiality requirements.

Classifying information in a parolee's record as confidential will be done as follows:

#### When a File is Reviewed Prior to Examination

At any time a parolee, an attorney, or a designated person is given approval to examine a file, a reviewer will be designated to screen the field file and/or electronic file for all information meeting the criteria for confidential classification.

#### When a Document is Written

Departmental staff who write or review a document that is included in a parolee's field file and/or electronic file may classify the document as confidential.

#### When a Document is Received

The staff person who receives a document from a source outside the Department may classify it as confidential when placing it in a parolee's field file and/or scanning it into the Electronic Records Management System (ERMS).

### 86080.2 Preparation of Confidential Information

Any document(s) designated as containing confidential information, either in total or in part, shall be conspicuously stamped with the word "Confidential" in red ink on the top and bottom of each document. If the document consists of more than one page, each page shall be so marked. The responsibility for the preparation of

the Confidential Section shall rest with the unit supervisor or designee that screens the file for information meeting the criteria for confidential classification. The unit supervisor or designee remains responsible to ensure the confidential designation is used appropriately on documents for inclusion of confidential documents into the Confidential Section of the field file and ERMS.

### **86080.3 Basis for Classifying Information as Confidential**

Records will be classified as confidential according to the information they contain and not according to title, label, or origin. The following criteria will apply to classifying information as confidential:

#### **Confidential by Statute**

Access to state and federal criminal history records is restricted to the parolee, the parolee's attorney, and persons and agencies listed in PC 11105.

#### **Medical, Psychological, and Psychiatric Reports**

A report prepared by departmental medical or psychiatric staff will be classified as confidential only if it meets specified criteria. Possible disturbance to the parolee or impairment of the treatment relationship is not a valid reason for classifying information as confidential unless disclosure might result in suicide attempts by the parolee. A report classified as confidential will contain a statement of the reason for the classification.

#### **Victim/Witness Notification**

All requests by a victim, witness, next-of-kin, or immediate family member as defined in Section 3000 of Title 15 for notification/special condition of parole, and any responses to such requests shall be classified as confidential and filed in the confidential sections of the inmate's/parolee's field file and electronic file. (Refer to DOM 72060.1, Notices.)

#### **Threatens the Safety of a Person**

Information which, if disclosed, would endanger the health and/or safety of any person and/or might lead to retaliation against any person(s) will be classified as confidential.

#### **Another Person's State and/or Federal Criminal History**

Information regarding another person's criminal history, which is not a matter of public record (e.g., a crime partner's cumulative case summary), will be classified as confidential.

#### **Promise of Confidentiality**

Information should be classified as confidential only if it is judged to be highly sensitive and there was a promise of confidentiality.

#### **Threatens the Security of a Facility**

Information that, if disclosed, might threaten the security of any jail, prison, or similar facility will be classified as confidential.

#### **Information Classified as Confidential by Other Agencies**

If departmental staff retains a confidential classification imposed by the agency that originated the information, the parolee may be referred to that agency for disclosure.

#### **California Department of Public Health**

Information classified as confidential by the California Department of Public Health may only be declassified if the departmental staff physician determines that its content does not warrant classification as confidential. If it is decided that the confidential classification will remain, the physician will note the reason on the report.

#### **Division of Juvenile Justice (DJJ)**

Information classified as confidential by the DJJ (formerly the California Youth Authority) will be reviewed and classified by departmental staff according to its content. The reviewer should contact the originator of the document or the DJJ's Central Office before declassifying it.

#### **Reports from Other Law Enforcement Agencies**

Reports from other law enforcement agencies, which are classified as confidential by the originating agency, will retain that classification. The parolee, attorney, or designated person may be referred to the originating agency for those records.

#### **Departmental Staff Correspondence with Legal Counsel**

If a parolee's record contains correspondence between departmental staff and legal counsel, the correspondence will be classified as confidential if it discloses CDCR's position in potential or pending

litigation. This criterion applies to writings that reflect an attorney's impressions, conclusions, opinions, legal research or theories; and correspondence that discusses the issue or facts of a case, requests an action that is not routine, suggests the outcome of a case, or recommends legal strategy.

### **86080.4 List of Confidential Case Records**

The person designated to review a parolee's file will complete the CDCR Form 2151, Parole Confidential Information Listing. All material classified as confidential shall be identified on the applicable form(s). (Refer to DOM 86060.6, Confidential Information Section of the Parole Field File).

The list will include the following information:

- Parolee's name and CDCR number.
- Name of the person who requested to examine the file.
- Date(s) of the withheld confidential document(s).
- General nature of each document classified as confidential, stated in such a way as to prevent the examiner from deducing the confidential information.
- Reason(s) for the confidential classification.
- Signature of the reviewer.
- Date the file was reviewed.

The information will be completed in blue or black ink on the form, and a copy of the form placed in the Confidential Section of the field file and in ERMS. A copy of the form will also be given to the parolee, the parolee's attorney, or a designated person when examining the non-confidential portion of the file.

Prior to any examination, the field file and electronic file will be reviewed. A copy of the updated confidential information list will be scanned into the Confidential Section of the ERMS file and placed in the field file to ensure that information contained in both files will be classified as confidential.

### **86080.5 Placement of Confidential Information**

All documents classified as confidential or that contain confidential information will be placed into the Confidential Section of the field file and the ERMS file.

The field file and ERMS will each contain a Confidential Section for information classified as confidential. The unit supervisor or designee will mark as confidential any information listed on the CDCR Form 2151, Parole Confidential Information Listing that is in the field or electronic file and place it in the appropriate Confidential Section of the file.

The unit supervisor or designee who classifies a document as confidential will place it in the Confidential Section of the field and electronic files with an updated CDCR Form 2151 as applicable.

A copy of the most recent CDCR Form 2151 will be placed in both the field file and ERMS.

The unit supervisor or designee who classifies a document as confidential will ensure that all copies of it are also classified as confidential and placed in the Confidential Section whether in the field file, ERMS, or any other file.

Staff without provisions for scanning documents into ERMS shall utilize the Parole Case Records manager or designee for inclusion of the confidential document into ERMS. The primary clearinghouse for confidential victim information and related documents shall be the CDCR's Office of Victim & Survivor Rights & Services (OVSRS). Although Parole Case Records may have the provisions to enter confidential victim information, those documents should be provided to the OVSRS for inclusion into the Confidential Section of ERMS and SOMS.

### **86080.6 Declassification**

The person designated to review a file prior to its being examined may declassify information previously classified as confidential.

The reviewer should discuss the intended declassification with the person who originally classified the information as confidential.

A difference of opinion regarding the need for classification as confidential will be referred to the District Administrator or designee for a final decision. (Refer to DOM 86060.6, Confidential Information Section of the Parole Field File).

### **86080.7 Correcting Information in a Parolee File**

The validity and accuracy of file information is the responsibility of all DAPO staff. The staff person discovering any erroneous or misleading information will mark it as such and attach a correction or explanation. If the record(s) originated from an external agency, any request to correct or amend will be directed to the originator.

Only the unit supervisor or designee may authorize removal of erroneous or misleading information from the Confidential Information Section of the field file or ERMS. Approval will be granted only under the following conditions:

- The information is clearly shown to be erroneous or misleading.
- The information has not been considered in any deliberation, determination, or action affecting the parolee.
- If the information has been considered as indicated above, the information may not be removed, but an explanation or correction will be attached.

#### **86080.8 Criminal History Records Limited Access**

PC 11105 lists the persons and agencies authorized access to criminal history records. DAPO staff will not provide copies of criminal history records and will not provide information directly from the criminal history records to any person or agency not specified in PC 11105. If DAPO staff believes a person or agency not listed in PC 11105 has a legitimate reason to know information about a parolee, that information must be derived from records other than the criminal history record or the Probation Officer's Report (POR).

##### **Access on the Basis of a Need-to-Know**

Access to the criminal history record by persons and agencies listed in PC 11105 is on the basis of their right-to-know and need-to-know related to the official function of that person or agency. These persons and agencies may obtain copies of the criminal history record through the parole agent.

##### **Other Agencies' CI&I**

Disclosure of criminal history records from agencies other than the State Department of Justice (DOJ) is not limited by statute. DAPO staff will observe the confidentiality policies of agencies from which information or documents are received, especially other law enforcement agencies.

#### **86080.9 Safekeeping and Storage of Confidential Parolee Material**

Confidential parolee record information will be kept in the Confidential Section of the field file and/or ERMS.

An authorized person reviewing confidential material is responsible for it while it is in that person's control.

Preliminary drafts, carbon sheets, stenographic notes, worksheets, etc., and any item containing confidential information will be destroyed by the individual(s) responsible for their preparation immediately after having served their purpose.

#### **86080.10 Revisions**

The DAPO Director is responsible for ensuring that the contents of this article are kept current and accurate.

#### **86080.11 References**

PC § 11105  
CCP § 2018.030  
CCR (15) § 3321  
ACA Standards 4-APPFS-3C-03  
DOM § 72060.1  
DOM § 86060.6

### **ARTICLE 55 — DISCLOSURE TO AGENCY OR PERSONS**

*Effective August 31, 1989*

#### **86090.1 General Guidelines for Disclosure to Other Agencies and Persons**

##### **With Consent**

If the patient gives prior written consent, designated clinic staff may disclose necessary patient information, whether recorded or not, to the following persons:

- Medical personnel or to treatment or rehabilitation programs when the disclosure is needed to furnish services to the patient.
- Medical personnel able to provide continued methadone maintenance when the patient is traveling, incarcerated or hospitalized. Any such disclosure must be documented with the name of the patient, or assigned program case number, the date and time of the disclosure, the information disclosed and the names of the individuals by whom and to whom it was disclosed; and the purpose for the disclosure.

- The patient's attorney.
- The patient's family or close personal relations, unless the person responsible for treatment believes the disclosure would be harmful to the patient.
- Employers and employment agencies, when it is believed that the information may assist in the patient's rehabilitation.
- A criminal justice agency which requires methadone maintenance as a condition of release, probation or parole, or as the disposition or status of any criminal proceedings against an individual, or pursuant to the execution or suspension of any sentence imposed upon him or her. Consent may not be revoked for 60 days or until the condition for which it was given has terminated, whichever is later.

##### **Without Consent**

Without the patient's written consent, designated clinic staff may disclose necessary information to the following persons:

- Medical personnel to the extent necessary to meet a bona fide medical emergency.
- To qualified persons conducting authorized scientific research, management audits, financial audits or program evaluation. The identity of individual patients may not be disclosed, either directly or indirectly, in any resulting report.
- Persons or agencies authorized by a court order to receive such information.

#### **86090.2 Revisions**

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

#### **86090.3 References**

DOM § 13030.

### **ARTICLE 56 — RESERVED (REHABILITATION & PARDON)**

### **ARTICLE 57 — WORK SCHEDULES**

**EFFECTIVE OCTOBER 20, 2006**

#### **87210.1 Policy**

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) that work schedules shall be accomplished in a uniform manner consistent with applicable laws, policies, and sound personnel practices.

#### **87210.2 Purpose**

This Section outlines the procedures and requirements that shall be followed for work schedules.

#### **87210.3 Responsibilities**

##### **Unit Supervisor**

The Unit Supervisor reports to the District Administrator and is responsible for managing and maintaining CDCR's overall parole supervision efforts at the field parole unit level.

The Unit Supervisor is responsible for ensuring that all Parole Agents comply with the scheduling requirements of the contract and the meeting of operational needs.

The Unit Supervisor shall approve the work schedule at least three (3) days prior to the scheduled month, unless it can be documented that the scheduled work hours as submitted would be detrimental to the needs of the office or would hinder the Parole Agent in the performance of his/her duties and responsibilities.

The Unit Supervisor shall provide the Parole Agent with the written documentation if requested by the employee.

The Unit Supervisor may assign the work schedule if the Parole Agent does not submit a monthly work schedule.

##### **Parole Agent**

The Parole Agent reports to the Unit Supervisor and is responsible for supervising parolees on their caseload.

The Parole Agent is responsible for submitting a proposed work schedule to the Unit Supervisor for each month at least seven (7) calendar days, but no more than fourteen (14) calendar days, prior to the beginning of the scheduled work month.

The Parole Agent is responsible for complying with the scheduled work hours once they are approved by the Unit Supervisor.

Parole Agent requested changes in the work schedule, excluding emergencies, will require prior Unit Supervisor approval.

Parole Agents will advise their Unit Supervisor of emergency changes in their approved work schedule no later than the next working day.

**87210.4 Work Rules**

Case carriers will not be scheduled for work on holidays, whether weekdays or weekends, except to handle emergency situations, as specified in the current Memorandum of Understanding (MOU) for Bargaining Unit Six.

**87210.5 Work Week**

The work hours for the Officer-of-the-Day (OD) are from 8:00 a.m. to 5:00 p.m., unless otherwise specifically identified.

The MOU states that Parole Agents with the Unit Supervisor's approval may elect the daily start and stop time, with the exception of the OD duty.

The normal work schedule for Parole Agents shall be a four (4) or five (5) day work week, as dictated by the workload, and approved by the Unit Supervisor in accordance with the MOU for Bargaining Unit Six.

The Parole Agent may schedule other than an eight (8) or ten (10) hour work day, with supervisory approval.

The work week shall start on Monday and end on Sunday, as specified in the current MOU for Bargaining Unit Six.

**87210.6 Work Hours**

Work hours, subject to Unit Supervisor approval, will be scheduled between 6:00 a.m. and 10:00 p.m., except as emergency and operational needs dictate.

No work will be routinely scheduled between the hours of 10:00 p.m. and 6:00 a.m.

Each work day will be a minimum of at least four (4) work hours and a maximum not to exceed twelve (12) work hours, except as emergency and operational needs dictate.

**87210.7 Lunch Periods**

The workday may include, at the employee's discretion, no meal break, or an optional one (1) hour, or one-half (1/2) hour meal break.

The lunch period, if authorized, is from 12:00 p.m. to 1:00 p.m., unless otherwise specifically identified, as specified in the current MOU for Bargaining Unit Six.

**87210.8 Evening Hours**

Work schedules shall include a minimum of four (4) evenings per month.

These mandated evenings shall be in the field, except if previously waived by the Unit Supervisor. The waiver will be the exception rather than the rule.

These mandated evenings will be worked until at least 7:00 p.m.

Nothing in this Section shall prohibit Parole Agents from scheduling additional voluntary evenings, as specified in the current MOU for Bargaining Unit Six.

**87210.9 Work Schedule**

Each Parole Agent shall submit a proposed work schedule to the Unit Supervisor for each month at least seven (7) calendar days, but no more than fourteen (14) calendar days, prior to the beginning of the scheduled month for supervisory approval.

The schedule will represent all work hours, which shall include all workdays, weekend work, evening work, days off, OD duties, lunch or no lunch, training, and any other special assignment responsibilities, as specified in the current MOU for Bargaining Unit Six.

**87210.10 Work Schedule Approvals**

The Unit Supervisor shall approve the work schedule at least three (3) days prior to the scheduled month, unless it can be documented that the scheduled work hours as submitted would be detrimental to the needs of the office or would hinder the Parole Agent in the performance of his/her duties and responsibilities. This documentation shall be provided if requested by the Parole Agent.

If a Parole Agent does not submit a monthly work schedule, the Unit Supervisor will assign the work schedule, as specified in the current MOU for Bargaining Unit Six.

**87210.11 Work Schedule Adjustments**

During the scheduled month, the Unit Supervisor may occasionally adjust the work hours based upon operational needs with written justification to the Parole Agent.

This adjustment shall not be intended to avoid the assignment of overtime.

Parole Agent requested changes in the work schedules, excluding emergencies, will require prior supervisory approval.

Parole Agents will advise the Unit Supervisor of emergency changes no later than the next work day, as specified in the current MOU for Bargaining Unit Six.

**87210.12 Revisions**

The Director, DAPO, or designee, is responsible for ensuring that the contents of this Article are kept current and accurate.

**87210.13 References**

Department of Personnel and Administration Rules and Regulations.

Department Operations Manual Section 85030.

MOU for Bargaining Unit Six.